

***"Stony The Road We Trod . . ." Resource Binder
Alabama's Role in the Modern Civil Rights Movement
Sponsored by: The National Endowment for the Humanities***



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"Stony the Road We Trod . . ."
Alabama's Role in the Modern Civil Rights Movement
Table of Contents

Historic Overview

Introduction

National Standards of American History, Civics, Geography, and English
Language Arts

Part One

Jim Crow Laws

Part Two

Montgomery, Alabama

A letter from the Women's Political Council to the Mayor of Montgomery

The Montgomery Bus Boycott

The Negroes Most Urgent Needs

Browder v Gayle: What Did The Supreme Court Rule?

Integrated Bus Suggestions

MIA Mass Meeting at Holt Street Baptist Church

Resolution of the Citizen's Mass Meeting

Primary Documents

Part Three

Examining government documents

Dred Scott v Sanford

Plessy v Ferguson

Brown v. Board

The Southern Manifesto

Part Four

Birmingham, Alabama

The white Ministers' Law and Order Statement, January 16, 1963

The White Ministers' Good Friday Statement, April 12, 1963

Letter From a Birmingham City Jail

Birmingham Segregation Codes

Non-violent Pledge

Excerpts From the First Inaugural Address of Governor George C. Wallace

Part Five

Selma

- Notable Quotes
- The/A Child of the Movement
- Editorial Excerpts Following Bloody Sunday
- Selma-to-Montgomery 1965 Voting Rights March
- Literacy test
- United States District Court, M.D. Alabama, Northern
- Califano Memos
- "Our God is Marching On!"

Part Six - Tuskegee

Part Seven Music and Literary Connections

A. Music of the Movement

- Lift Every Voice and Sing
- If You Miss Me From the Back of the Bus
- We Shall Overcome
- Ain't Gonna Let Nobody Turn Me Around
- We Shall Not Be Moved
- The Battle Hymn of the Republic
- We're Marching on to Freedom Land

B. Poetry of the Movement

- Ballad of Birmingham
- Birmingham Sunday
- Girl Without Bail
- Alabama Centennial
- At the Closed Gate of Justice
- If We Must Die

Part Eight - Instructional Strategies

- Using Primary Sources
 - Written Document Analysis
 - Photograph Analysis
 - Poster Analysis Worksheet
 - Motion Picture Analysis
 - Sound Recording Analysis
- Using Primary Sources in the Classroom
 - Excerpts From the U.S. Declaration of Independence
 - Alabama's Constitution of 1901
 - The Yakima Time-ball
 - Kamishibai Storytelling Method
 - Poem for Two Voices

Timeline Rubric
Cooperative Group Task Cards

"Stony the Road We Trod . . ."
Alabama's Role in the Modern Civil Rights Movement

Denial of Justice

Isolation

Persecution

Dehumanization

Violence

Mass Executions

Leads to _____

And as Esaisas said before, except the Lord of Sabaoth had left us a seed, we had been as Sodoma, and been made like unto Gomorrha. Romans 9:29

Overview

The protest movement that evolved into the American Revolution created a nation "conceived in liberty and dedicated to the proposition that all men are created equal." Yet, 187 years after the Revolutionary War, at the Lincoln Memorial, Dr. Martin Luther King, Jr. called for a nonviolent revolution to attain those same civil liberties and civil rights long denied men and women of color.

Looking back over the last 40 years of American history, we have made monumental progress as it relates to the cause of civil liberties and civil rights. Separate drinking fountains, "colored balconies" in movie theaters, and seats in the back of the bus are memories of an era of time that seems foreign to all of us. Sadly, this protest movement is only one and a half generations removed. The modern Civil Rights Movement started in hopes of alleviating these conditions, and to win equal protection under the law for all citizens.

Many times due to a lack of knowledge, emotional scars, and the recentness of the Modern Civil Rights Movement, teachers opt not to teach about this transitional time period in United States History. This project will help ease teacher discomfort by giving them the information and instructional strategies needed to teach the history of the Modern Civil Rights Movement. The key is to help the teachers make a personal connection with the curriculum in order to teach it to their students. By comparing the strategies, heroes and accomplishment of the Modern Civil Rights Movement to the American Revolution we will help students to see that what Jefferson wrote in 1776 is true for all times and circumstances when the government fails to protect the rights of citizens.

As the nation commemorates the 231st anniversary of the Declaration of Independence, the 220th anniversary of the United States Constitution, the 42nd anniversary of the Selma to Montgomery March for the right to Vote, the 51 anniversary of the Montgomery Bus Boycott, and, as we observe the 42nd anniversary of the Voting Rights Act it is imperative that we teach the history that mark these milestones in American History.

There is always a teaching gap in fairly contemporary events. The courses and books never quite catch up with the things that happened just a generation ago. This is the situation with the Modern Civil Rights Movement. The Movement has just made it into the history books with the re-structuring of many curricula making 20th Century U.S. History a stand alone course. This means that many teachers have never studied the events of the movement in any disciplined

way. For teachers who are old enough to remember the events or who may have taken part in the movement, memory is colored by racial, emotional, and family biases. The history of the Modern Civil Rights Movement is only one and a half generations removed. Scholars are just now beginning to sift through the facts, fictions, myths and personal memories in search of the truth. Living in Alabama presents educators a unique learning laboratory from which to explore and make sense of this time period for themselves and their students. Connecting the history of the American Revolution to the Modern Civil Rights Movement will serve to prove that a few people united in a just cause can succeed.

*Lift every voice and sing
Till earth and heaven ring,
Ring with the harmonies of liberty
Let our rejoicing rise,
High as the listening skies,
Let it resound loud as the rolling sea.*

Chorus

*Sing a song full of the faith that the dark past has taught us,
Sing a song full of the hope that the present has brought us
Facing the rising sun of our new day begun
Let us march on till victory is won.*

***Stony the road we trod,
Bitter the chastening rod,
Felt in the days when hope unborn had died;
Yet with a steady have not our feet retreat to the place for which our fathers sighed?***

We Shall Overcome: Historic Places of the Civil Rights Movement
National Park Service

Introduction:

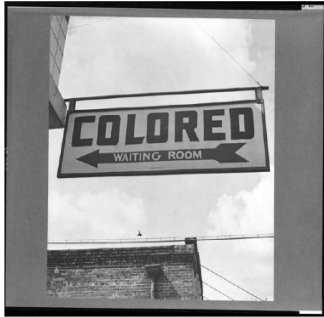
We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.

Thomas Jefferson's stirring words, written in 1776 in our Declaration of Independence, defined the promise of America--freedom and equality for all. The words rang hollow, however, for the millions of African Americans held in slavery prior to the Civil War, and later denied political, economic, educational, and social equality by unjust laws and social customs. This National Register of Historic Places Travel Itinerary tells the powerful story of how and where the centuries-long struggle of African Americans to achieve the bright promise of America culminated in the mid-20th century in a heroic campaign we call the modern civil rights movement. Many of the places where these seminal events occurred, the churches, schools, homes, and neighborhoods, are listed in the National Register of Historic Places and are included in this itinerary.

Throughout history, African Americans resisted their slavery and later second-class citizenship. Opposition took many forms, from the passive resistance of slaves who performed poor work for their masters, to slave revolts, to slaves escaping to freedom on the **Underground Railroad**, to African Americans' participation in the Abolitionist movement and their joining the Union army during the Civil War. During this trying period African Americans preserved their heritage and social institutions.

Following the Civil War this country moved to extend equality to African Americans with the passage of the 13th Amendment to the Constitution (1865) which outlawed slavery, the 14th Amendment (1868) which made citizens of all persons born in this country and afforded equal protection of the laws to all citizens, and the 15th

Amendment (1870) which provided the right to vote to all citizens, regardless of race (In 1920, the 19th Amendment was ratified giving women the right to vote). This promising start soon faltered during the tensions of Reconstruction (1865-1877) when federal armies occupied the South and enforced order.



A Sign at the Greyhound Bus Station, Rome, Georgia.
Editor Bailey, photographer, September 1943.

The genuine reform impulse of Reconstruction was the "first" civil rights movement, as the victorious North attempted to create the conditions whereby African Americans could freely and fully participate in this country as citizens. It was a noble experiment in bi-racial harmony, and, had it succeeded, there probably would have been no need for a "second" civil rights movement.

Exhausted by the efforts and divisions of the Civil War and Reconstruction and the longing for the country to reunite, the white advocates of equality were overcome by the forces of reaction, and the fate of African Americans was turned over to the individual states. Many states adopted restrictive laws which enforced segregation of the races and the second-class status of African Americans. The courts, the police, and groups such as the Ku Klux Klan all enforced these discriminatory practices.

African Americans responded in a variety of ways. Booker T. Washington (1856-1915), the early 20th century's leading advocate of black education, stressed industrial schooling for African Americans and gradual social adjustment rather than political and civil rights. The charismatic reformer Marcus Garvey (1887-1940) called for racial separatism and a "Back-to-Africa" colonization program. But it was a different path, one that emphasized that African Americans were in this country to stay and would fight for their freedom and political equality, that led to the modern civil rights movement and is the focus of this study.

We Shall Overcome: Historic Places of The Civil Rights Movement Used with permission of the National Park Service

The Need For Change

Images:



[Drinking at "Colored" Water Cooler in Streetcar Terminal, Oklahoma City, Oklahoma,](#)
Russell Lee, photographer, July 1939.

Man drinking at a water cooler, Oklahoma City, Oklahoma, 1939

Photograph by Russell Lee
Photograph courtesy of Library of
Congress, LA-USA-80126

The white race deems itself to be the dominant race in this country...But in the view of the Constitution, in the eye of the law, there is in this country no superior, dominant ruling class of citizens...Our Constitution is color-blind... In respect of civil rights, all citizens are equal before the law... It is, therefore, to be regretted that this high tribunal... has reached the conclusion that it is competent for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race...

We boast of the freedom enjoyed by our people above all other peoples. But it is difficult to reconcile that boast with a state of the law which, practically, puts the brand of servitude and degradation upon a large class of our fellow-citizens, our equals before the law. The thin disguise of "equal" accommodations...will not mislead anyone, nor atone for the wrong this day done.

Supreme Court Justice John Marshall Harlan, dissenting opinion in Plessy v. Ferguson, 1896

The "wrong this day done" to which Justice Harlan referred was the 1896 Supreme Court decision in Plessy v. Ferguson. Homer Adolph Plessy, an African American, had boarded a train in New Orleans and seated himself in a "whites-only" car. When he refused to move, he was arrested for violating the "Jim Crow Car Act of 1890." The incident led to the Supreme Court case in which all but Justice Harlan voted against Plessy, affirming the right of states to enact segregation laws. The "separate but equal" ruling set the stage for the rampant racial discrimination that followed in the Deep South. In many cities and towns, African Americans were not allowed to share a taxi with whites or enter a building through the same entrance. They had to drink from separate water fountains, use separate restrooms, attend separate schools, and even swear on separate Bibles and be buried in separate cemeteries. They were excluded from restaurants and public libraries. Many parks barred them with signs that read "Negroes and dogs not allowed." One municipal zoo went so far as to list separate visiting hours.



KKK Rally in Birmingham

Photograph courtesy of Birmingham News

African Americans were expected to step aside to let a white person pass, and black men dared not look any white woman in the eye. Black men and women were addressed as "Tom" or "Jane" but rarely as "Mr." or "Miss" or "Mrs." A black man was referred to as "boy" and a black woman as "girl"; both often endured insulting labels of "nigger" or "colored."

Voting rights discrimination was widespread. In Tennessee, as the Justice Department's John Doar discovered on a self-appointed tour of rural Haywood County, black sharecroppers were being evicted by white farmers for trying to vote. In Mississippi, names of new voter applicants had to be published in local newspapers for two weeks before acceptance, and voters had the right to object to an applicant's "moral character." Black applicants, many of whom were illiterate or poorly educated, were also required to pass literacy tests and to interpret sections of the state constitution to the satisfaction of the registrars. These tests were not applied to illiterate whites. In Alabama, many registration centers were only open two days a month; voting registrars often arrived late and took long lunch hours. In 1957 the town of Tuskegee gerrymandered black residents outside the city limits to make them ineligible to vote. In nearby Macon County, voter registration boards used discriminatory practices such as these to limit the number of eligible black voters:

- holding black applicants to a higher standard of accuracy than whites;
- allowing white applicants to register in their cars and in their homes;
- processing black applicants last, even when they were first in line;
- establishing separate registration offices in different parts of the courthouse;
- offering assistance only to white applicants in completing the registration form;
- refusing to notify black applicants about the status of their applications.

Some counties in the Deep South resorted to harsher means of preventing local blacks from voting. They jailed black applicants and firebombed places where voter education classes had been conducted, such as Mt. Olive Baptist Church in Terrell County, Georgia. They threatened, beat, and in some cases, murdered black applicants.

Southern blacks who resisted segregation, particularly those in rural areas, lived in constant fear--fear of their employers, who vowed to fire them; fear of white "citizens' councils," who adopted policies of economic reprisal against demonstrators; and fear of white vigilante groups like the Ku Klux Klan, who exerted an often-unchecked reign of terror across the South, where lynching of

African Americans was a common occurrence and rarely prosecuted. Nearly 4,500 African Americans were lynched in the United States between 1882 and the early 1950s.

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[Itinerary Home](#) | [List of Sites](#) | [Main Map](#) | [Learn More](#)

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The Players

The significant gains of the civil rights movement were won by people, not processes. Against incredible odds--and often at great risk--the thousands of activists in the modern freedom struggle won victories that touched their own lives as well as those of their neighbors and future generations. Here are highlights about some of the groups and individuals involved in the unfolding human drama:

Southern resistance Resistance to racial equality in the Deep South came not only from extremist groups like the Ku Klux Klan and white "citizens' councils." It occurred at all levels of government and society--from federal judges to state governors to county sheriffs to local citizens serving on juries.

Governor Orvil Faubus of Arkansas used the Arkansas National Guard to prevent school integration, and Governors Ross Barnett of Mississippi and George Wallace of Alabama physically blocked school doorways. E.H. Hurst, a Mississippi state representative, stalked and killed a black farmer for attending voter registration classes. Laurie Pritchett, Albany, Georgia's police chief, thwarted student efforts to integrate public places in the city. Birmingham's public safety commissioner Eugene T. "Bull" Connor advocated violence against freedom riders and ordered fire hoses and police dogs turned on demonstrators. Sheriff Jim Clark of Dallas County, Alabama loosed his deputies on "**Bloody Sunday**" marchers and personally menaced other protestors. Police all across the South arrested civil rights activists on trumped-up charges. All-white juries in several states acquitted known killers of local African Americans.

Black churches The leadership role of black churches in the movement was a natural extension of their structure and function. They offered members an

opportunity to exercise roles denied them in society. Throughout history, the black church served not only as a place of worship but also as a community "bulletin board," a credit union, a "people's court" to solve disputes, a support group, and a center of political activism. These and other functions enhanced the importance of the minister. The most prominent clergyman in the civil rights movement was Martin Luther King, Jr. *Time* magazine's 1964 "Man of the Year" was a man of the people. He joined as well as led protest demonstrations, and as comedian Dick Gregory put it, "he gave as many fingerprints as autographs." King's powerful oratory and persistent call for racial justice inspired sharecroppers and intellectuals alike. His tireless personal commitment to and strong leadership role in the black freedom struggle won him worldwide acclaim and the Nobel Peace Prize.

Other notable minister-activists included Ralph Abernathy, King's closest associate; Bernard Lee, veteran demonstrator and frequent travel companion of King; Fred Shuttlesworth, who defied Bull Connor and who created a safe path for a colleague through a white mob in Montgomery by commanding "Out of the way!"; and C.T. Vivian, who debated Sheriff Clark on his conduct and the Constitution.

Students Students and seminarians in both the South and the North played key roles in every phase of the civil rights movement--from bus boycotts to sit-ins to freedom rides to social movements. The student movement involved such celebrated figures as John Lewis, the single-minded activist who "kept on" despite many beatings and harassments; Jim Lawson, the revered "guru" of nonviolent theory and tactics; Diane Nash, an articulate and intrepid public champion of justice; Bob Moses, pioneer of voting registration in the most rural--and most dangerous--part of the South; and James Bevel, a fiery preacher and charismatic organizer and facilitator. Other prominent student activists included **Charles McDew**, Bernard Lafayette, Charles Jones, Lonnie King, Julian Bond (associated with **Atlanta University**), Hosea Williams (associated with **Brown Chapel**), and Stokely Carmichael, who later changed his name to Kwame Toure.

Institutional frameworks Church and student-led movements developed their own organizational and sustaining structures. The Southern Christian Leadership Conference (the SCLC), founded in 1957, coordinated and raised funds, mostly from northern sources, for local protests and for the training of black leaders. The Student Nonviolent Coordinating Committee, or SNCC, founded in 1957, developed the "jail-no-bail" strategy. SNCC's role was to develop and link sit-in campaigns and to help organize freedom rides, voter registration drives, and other protest activities. Bob Moses of SNCC created the Council of Federated

Organizations (COFO) to coordinate the work of the SCLC, SNCC, and various other national and independent civil rights groups. These three new groups often joined forces with existing organizations such as the National Association for the Advancement of Colored People (NAACP), founded in 1909, the Congress of Racial Equality (CORE), founded in 1942, and the National Urban League. The NAACP and its Director, Roy Wilkins, provided legal counsel for jailed demonstrators, helped raise bail, and continued to test segregation and discrimination in the courts as it had been doing for half a century. CORE initiated the 1961 Freedom Rides which involved many SNCC members, and CORE's leader James Forman later became executive secretary of SNCC. The National Urban League, founded in 1911 and headed by **Whitney M. Young, Jr.**, helped open up job opportunities for African Americans. Labor was represented by **A. Philip Randolph**, vice-president of the American Federation of Labor, and his chief assistant and organizer, Bayard Rustin.

Civil Rights Leaders Dr. Martin Luther King, Jr., Whitney Young, and James Farmer meeting with President Lyndon Johnson

Photograph by Yoichi R. Okamoto

Photograph courtesy of National Archives and Records Administration, LBJ Library, #W425-21

Federal involvement All branches of the federal government impacted the civil rights movement. President John Kennedy supported enforcement of desegregation in schools and public facilities. Attorney General Robert Kennedy brought more than 50 lawsuits in four states to secure black Americans' right to vote. President Lyndon Johnson was personally committed to achieving civil rights goals. Congress passed and President Johnson signed the century's two most far-reaching pieces of civil rights legislation--**the Civil Rights Act of 1964 and the Voting Rights Act of 1965**. Johnson advocated civil rights even though he knew it would cost the Democratic Party the South in the next presidential election, and for the foreseeable future. FBI director J. Edgar Hoover, concerned about possible Communist influence in the civil rights movement and personally antagonistic to Martin Luther King, Jr., used the FBI to investigate King and other civil rights leaders. U.S. District Court Judge **Frank M. Johnson, Jr.**, ruled against segregation and voting rights discrimination in Alabama and made the Selma-to-Montgomery March possible.

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<http://www.cr.nps.gov/nr/travel/civilrights/strategy.htm> <http://www.cr.nps.gov/nr/travel/civilrights/cost.htm>
<http://www.cr.nps.gov/nr/travel/civilrights/prize.htm>

[Itinerary Home](#) | [List of Sites](#) | [Main Map](#) | [Learn More](#)

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The Strategy

The "Greensboro Four" waiting to be served at Woolworth's

Photograph by John G. Mobius, reprinted with permission of the News & Record, Greensboro, NC.

In the early days of the civil rights movement, litigation and lobbying were the focus of integration efforts. The 1954 U.S. Supreme Court decision in *Brown v. Board of Education* led to a shift in tactics, and from 1955 to 1965, "direct action" was the strategy--primarily bus boycotts, sit-ins, freedom rides, and social movements.

Locally initiated boycotts of segregated buses, especially the Montgomery bus boycott of 1955-1956, were designed to unite and mobilize black communities on a commonly-shared concern. Protestors refused to ride on the buses, opting instead to walk or carpool. The nearly one year-long boycott ended bus segregation in Montgomery and triggered other bus boycotts such as the highly successful Tallahassee, Florida boycott of 1956-1957.

Student-organized sit-ins like the February 1960 protest at Woolworth's lunch counter in Greensboro, North Carolina, offered young men and women with no special skills or resources an opportunity to display their discontent and raise white awareness. Protestors were encouraged to dress up, sit quietly, and occupy every other stool so potential white sympathizers could join in. The success of the Greensboro sit-in led to a rash of student campaigns all across the South. By the end of 1960 the sit-ins had spread to every southern and border state and even to Nevada, Illinois, and Ohio. Demonstrators focused not only on lunch counters but on parks, beaches, libraries, theaters, museums, and other public places. When they were arrested, student demonstrators made "jail-no-bail" pledges to call attention to their cause and to reverse the cost of protest (putting the financial burden of jail space and food on the "jailors").

The 1961 Freedom Rides on public buses tested compliance with court orders to

desegregate interstate transportation terminals. The trips enabled students from both the South and the North to protest away from campus and to form a tightly-knit community of activists, many of whom would participate in the last protest phase, which began in 1961. National civil rights leaders launched these efforts to involve poor blacks and other blacks who had been uninvolved until then. The movements included door-to-door voter education projects in rural Mississippi, "The Birmingham Campaign" to desegregate public accommodations in the city, and "Freedom Summer," to try to unseat the regular delegation at the 1964 Democratic Convention and to publicize the disenfranchisement of southern blacks.

While some groups and individuals within the civil rights movement advocated Black Power, black separatism, or even armed resistance, the majority of participants remained committed to the principles of nonviolence -- a deliberate decision by an oppressed minority to abstain from violence for political gain. The commitment to nonviolence gave the civil rights movement great moral authority. Using nonviolent strategies, civil rights activists took advantage of emerging national network-news reporting, especially television, to capture national attention and the attention of Congress and the White House. In 1955, journalists covered the Mississippi trial of two men accused of murdering 14-year-old Emmett Till from Chicago. The cover of *Jet* magazine featured a photo of the boy's mutilated face. A few years later, Americans watched the live footage of violent unrest at **Little Rock High School** as whites rioted to prevent nine black students from entering the school. Radio, television, and print journalism exhaustively covered such 1960s events as police dogs attacking children in Birmingham, former sharecropper Fannie Lou Hammer describing her jail beatings to delegates at the 1964 Democratic National Convention, and a mounted posse charging **"Bloody Sunday"** demonstrators in Selma, Alabama.

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[Itinerary Home](#) | [List of Sites](#) | [Main Map](#) | [Learn More](#)

The Cost



Alabama police attack Selma-to-Montgomery Marchers, 1965
Federal Bureau of Investigation Photograph

Freedom wore an expensive price tag.

Southern blacks who tried to register to vote--and those who supported them--were typically jeered and harassed, beaten or killed. In 1963, the NAACP's Medgar Evers was gunned down in front of his wife and children in Jackson, Mississippi. Reverend George Lee of Belzoni, Mississippi, was murdered when he refused to remove his name from a list of registered voters, and farmer Herbert Lee of Liberty, Mississippi, was killed for having attended voter education classes. Three "Freedom Summer" field-workers--Michael Schwerner, James Chaney, and Andrew Goodman--were shot down for their part in helping Mississippi

blacks register and organize. Michael Schwerner, a social worker from Manhattan's Lower East Side, James Chaney, a local plasterer's apprentice, and Andrew Goodman, a Queens College anthropology student, disappeared in June 1964. Their bodies were discovered several months later in an earthen dam outside Philadelphia, Mississippi. Schwerner and Goodman had been shot once; Chaney, the lone African American, had been savagely beaten and shot three times.

When violence failed to stop voter registration efforts, whites used economic pressure. In Mississippi's LeFlore and Sunflower Counties--two of the poorest counties in the nation--state authorities cut off federal food relief, resulting in a near-famine in the region. Many black registrants throughout the South were also fired from their jobs or refused credit at local banks and stores. In one town, a black grocer was forced out of business when local whites stopped his store delivery trucks on the highway outside town and made them turn around.

Like voter registrants, freedom riders paid a heavy price for racial justice. When the interracial groups of riders stepped off Greyhound or Trailways buses in segregated terminals, local police were usually absent. Angry mobs were waiting, however, armed with baseball bats, lead pipes, and bicycle chains.

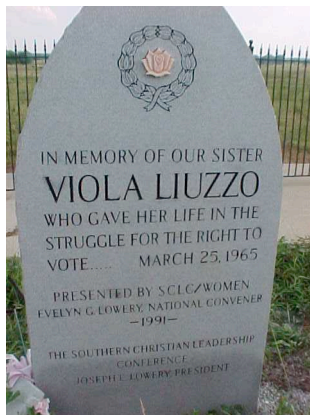
Martin Luther King, Jr., in the Birmingham jail

Photograph courtesy of National Archives and Record Administration, 306-PS-68-1130

In Anniston, Alabama, one bus was firebombed, forcing its passengers to flee for their lives. In Birmingham, where an FBI informant reported that Public Safety Commissioner Bull Connor had encouraged the Ku Klux Klan to attack an incoming group of freedom riders "until it looked like a bulldog had got a hold of them," the riders were severely beaten. In eerily-quiet Montgomery, a mob charged another bus load of riders, knocking John Lewis unconscious with a crate and smashing *Lifephotographer* Don Urbrock in the face with his own camera. A dozen men surrounded Jim Zwerg, a white student from Fisk University, and beat him in the face with a suitcase, knocking out his teeth. The freedom riders did not fare much better in jail. There, they were

crammed into tiny, filthy cells and sporadically beaten. In Jackson, Mississippi, some male prisoners were forced to do hard labor in 100-degree heat. Others were transferred to Parchman Penitentiary, where their food was deliberately oversalted and their mattresses were removed. Sometimes the men were suspended by "wrist breakers" from the walls. Typically, the windows of their cells were shut tight on hot days, making it hard for them to breathe.

Out of jail, the freedom riders joined mass demonstrations where the violent response of local police shocked the world. In **Birmingham**, police loosed attack dogs into a peaceful crowd of demonstrators, and the German shepherds bit three teenagers. In Birmingham and **Orangeburg, South Carolina**, firemen blasted protestors with hoses set at a pressure to remove bark from trees and mortar from brick.



Viola Liuzzo Memorial
National Park Service Photograph

On "**Bloody Sunday**" in Selma, Alabama, police and troopers on horseback charged into a group of marchers, beating them and firing tear gas. Several weeks later the marchers trekked the 54 miles from Selma to Montgomery without incident, but afterwards four Klansmen murdered Detroit homemaker Viola Liuzzo as she drove marchers back to Selma. Martin Luther King, Jr., gave his life for the movement, struck down by an assassin's bullet in Memphis, Tennessee.

When white supremacists could not halt the civil rights movement, they tried to demoralize its supporters. They bombed churches and other meeting places. They set high bail and paced trials slowly, forcing civil

rights organizations to spend hundreds of thousands of dollars. At a Nashville lunch counter sit-in, the store manager locked the door and turned on the insect fumigator. In St. Augustine, Florida, city officials who had promised to meet with black demonstrators at City Hall offered them an empty table and a tape recorder instead. In Selma, Sheriff Jim Clark and his deputies forced 165 students into a three-mile run, poking them with cattle prods as they ran. Random violence accompanied calculated acts. The Klan bombing of Birmingham's **Sixteenth Street Baptist Church** killed four black girls. On the campus of the University of Mississippi, a stray bullet struck a local jukebox-repairman in a riot that killed one reporter and wounded more than 150 federal marshals. In Marion, Alabama, 26-year-old Jimmy Lee Jackson was gunned down while trying to protect his mother and grandfather from State Police. Not far away in Selma, a white Boston minister who had lost his way was clubbed to death by white vigilantes.

The more violent southern whites became, the more their actions were publicized and denounced across the nation. Increasing violence in the South's streets, jails, and public places failed to break the spirits of the freedom fighters. Indeed, it emboldened them.

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<http://www.cr.nps.gov/nr/travel/civilrights/strategy.htm> <http://www.cr.nps.gov/nr/travel/civilrights/cost.htm>
<http://www.cr.nps.gov/nr/travel/civilrights/prize.htm>

Itinerary Home | **List of Sites** | Main Map | **Learn More**

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The Prize

President Lyndon Johnson signing the Civil Rights Act of 1964 into law, with Martin Luther King, Jr., looking on.

Photograph by Cecil Stoughton

Photograph courtesy of National Archives and Record Administration, LBJ Library #276-10-64

At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama. There is no Negro problem. There is no southern problem. There is no northern problem. There is only an American problem. Many of the issues of civil rights are very complex and most difficult. But about this there can and should be no argument. Every American citizen must have the right to vote... Yet the harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes... No law that we now have on the books... can insure the right to vote when local officials are determined to deny it... There is no Constitutional issue here. The command of the

Constitution is plain. There is no moral issue. It is wrong--deadly wrong--to deny any of your fellow Americans the right to vote in this country. There is no issue of States' rights or National rights. There is only the struggle for human rights.

President Lyndon B. Johnson

Introducing the Voting Rights Act to Congress, March 15, 1965

The Civil Rights Act of 1964, which required equal access to public places and outlawed discrimination in employment, was a major victory of the black freedom struggle, but the Voting Rights Act of 1965 was its crowning achievement. The 1965 Act suspended literacy tests and other voter tests and authorized federal supervision of voter registration in states and individual voting districts where such tests were being used. African Americans who had been barred from registering to vote finally had an alternative to the courts. If voting discrimination occurred, the 1965 Act authorized the attorney general to send federal examiners to replace local registrars.

The Act had an immediate impact. Within months of its passage on August 6, 1965, one quarter of a million new black voters had been registered, one third by federal examiners. Within four years, voter registration in the South had more than doubled. In 1965, Mississippi had the highest black voter turnout--74%--and led the nation in the number of black leaders elected. In 1969, Tennessee had a 92.1% turnout; Arkansas, 77.9%; and Texas, 73.1%.

President Lyndon Johnson signing the Voting Rights Act of 1965 into law.

Photograph by O.J. Rapp

Photograph courtesy of National Archives and Record Administration, LBJ Library, C-522-2

Winning the right to vote changed the political landscape of the South. When Congress passed the Voting Rights Act, barely 100 African Americans held elective office in the U.S.; by 1989 there were more than 7,200, including more than 4,800 in the South. Nearly every Black Belt county in Alabama had a black sheriff, and southern blacks held top positions within city, county, and state governments. Atlanta boasted a black mayor--Andrew Young, and so did New Orleans--Ernest Morial.

Black politicians on the national level included Barbara Jordan, who represented Texas in Congress, and former mayor Young, who was appointed U.S. Ambassador to the United Nations during the Carter Administration. Julian Bond was elected to the Georgia Legislature in 1965, although political reaction to his public opposition to U.S. involvement in Vietnam prevented him from taking his seat until 1967. John Lewis currently represents Georgia's 5th Congressional District in the U.S. House of Representatives, where he has served since 1987. Lewis sits on the House Ways and Means and Health committees.

The enormous gains of the civil rights movement stand to last a long time. Yet the full effect of these gains is yet to be felt. "Equal rights" struggles now involve multiple races, as well as the issues of rights based upon gender and sexual orientation. Racism has lost its legal, political, and social standing, but the legacy of racism--poverty, ignorance, and disease--confronts us. "They are our enemies, not our fellow man, not our neighbor," said President Johnson at the end of his voting rights speech. "And these enemies too--poverty, disease, and ignorance--we shall overcome."

<http://www.cr.nps.gov/nr/travel/civilrights/change.htm> <http://www.cr.nps.gov/nr/travel/civilrights/players.htm>
<http://www.cr.nps.gov/nr/travel/civilrights/strategy.htm> <http://www.cr.nps.gov/nr/travel/civilrights/cost.htm>
<http://www.cr.nps.gov/nr/travel/civilrights/prize.htm>

**National Standards: "*Stony the Road We Trod . . .* :
Using Alabama's Civil Rights Landmarks to Teach American History**

Select United States History Standards for Grades 5-12

Era 5 Civil War and Reconstruction (1850-1877)

Standard 1: The causes of the Civil War

Standard 2: The course and character of the Civil War and its effects on the American people

Standard 3: How various reconstruction plans succeeded or failed

Standard 3A: The student understands the political controversy over Reconstruction.

Grade Level

Therefore, the student is able to

7-12 Contrast the Reconstruction policies advocated by Lincoln, Andrew Johnson, and sharply divided Congressional leaders, while assessing these policies as responses to changing events. [Compare and contrast differing sets of ideas]

5-12 Explain the provisions of the 14th and 15th amendments and the political forces supporting and opposing each. [Consider multiple perspectives]

5-12 Analyze how shared values of the North and South limited support for social and racial democratization, as reflected in the Compromise of 1877. [Analyze cause-and-effect relationships]

9-12 Analyze the role of violence and the tactics of the “redeemers” in regaining control over the southern state governments. [Interrogating historical data]

Standard 3B: The student understands the Reconstruction programs to transform social relations in the South.

Therefore, the student is able to

7-12 Explain the economic and social problems facing the South and appraise their impact on different social groups. [Examine historical perspectives]

5-12 Evaluate the goals and accomplishments of the Freedmen’s Bureau. [Hold interpretations of history as tentative]

9-12 Describe the ways in which African Americans laid foundations for modern black communities during Reconstruction. [Hypothesize the influence of the past]

7-12 Analyze how African Americans attempted to improve their economic position during Reconstruction and explain the factors involved in their quest for land ownership. [Analyze multiple causation]

Standard 3C: The student understands the successes and failures of Reconstruction in the South, North, and West.

Grade Level

Therefore, the student is able to

5-12 Assess the progress of “Black Reconstruction” and legislative reform programs promoted by reconstructed state governments. [Marshal evidence of antecedent circumstances]

7-12 Assess how the political and economic position of African Americans in the northern and western states changed during Reconstruction. [Examine historical perspectives]

Era 9: Postwar United States 1945 to early 1970s)

Standard 4: The struggle for racial and gender equality and for the extension of civil liberties

Standard 4A: The student understands the “Second Reconstruction” and its advancement of civil rights.

Grade Level

Therefore, the student is able to

7-12 Explain the origins of the postwar civil rights movement and the role of the NAACP in the legal assault on segregation. [Analyze multiple causation]

5-12 Evaluate the Warren Court’s reasoning in *Brown v. Board of Education* and its significance in advancing civil rights. [Analyze cause-and-effect relationships]

5-12 Explain the resistance to civil rights in the South between 1954 and 1965. [Identify issues and problems in the past]

7-12 Analyze the leadership and ideology of Martin Luther King, Jr. and Malcolm X in the civil rights movement and evaluate their legacies. [Assess the importance of the individual in history]

7-12 Assess the role of the legislative and executive branches in advancing the civil rights movement and the effect of shifting the focus from *de jure* to *de facto* segregation. [Evaluate the implementation of a decision]

5-12 Evaluate the agendas, strategies, and effectiveness of various African Americans, Asian Americans, Latino Americans, and Native Americans, as well as the disabled, in the quest for civil rights and equal opportunities. [Explain historical continuity and change]

9-12 Assess the reasons for and effectiveness of the escalation from civil disobedience to more radical protest in the civil rights movement. [Marshal evidence of antecedent circumstances]

Era 10: Contemporary United States (1968 to the present)

Standard 2: Economic, social, and cultural developments in contemporary United States

Standard 2D: The student understands contemporary American culture.

Grade Level

Therefore, the student is able to

7-12 Evaluate the desegregation of education and assess its role in the creation of private white academies. [Analyze multiple causation]

9-12 Analyze how social change and renewed ethnic diversity has affected artistic expression and popular culture. [Analyze cause-and-effect relationships]

Standard 2E: The student understands how a democratic polity debates social issues and mediates between individual or group rights and the common good.

Grade Level

Therefore, the student is able to

9-12 Evaluate to what degree affirmative action policies have achieved their goals and assess the current debate over affirmative action. [Consider multiple perspectives]

5-12 Explore the range of women's organizations, the changing goals of the women's movement, and the issues currently dividing women. [Explain historical continuity and change]

9-12 Explain the evolution of government support for the assertion of rights by the disabled. [Reconstruct patterns of historical succession and duration]

7-12 Evaluate the continuing grievances of racial and ethnic minorities and their recurrent reference to the nation's charter documents. [Explain historical continuity and change]

Selected Civic Standards

A. WHAT ARE CIVIC LIFE, POLITICS, AND GOVERNMENT?

A. What is civic life? What is politics? What is government? Why are government and politics necessary? What purposes should government serve?

1. Defining civic life, politics, and government.
2. Necessity and purposes of government.

B. WHAT ARE THE FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM?

A. What is the American idea of constitutional government?

A. 1. The American idea of constitutional government.

B. What are the distinctive characteristics of American society?

1. Distinctive characteristics of American society.
 1. Diversity in American society.

C. What is American political culture?

1. American identity.
2. The character of American political conflict.

D. What values and principles are basic to American constitutional democracy?

1. Fundamental values and principles.
2. Conflicts among values and principles in American political and social life.
3. Disparities between ideals and reality in American political and social life.

C. HOW DOES THE GOVERNMENT ESTABLISHED BY THE CONSTITUTION EMBODY THE PURPOSES, VALUES, AND PRINCIPLES OF AMERICAN DEMOCRACY?

A. How are power and responsibility distributed, shared, and limited in the government established by the United States Constitution?

A. Distributing, sharing, and limiting powers of the national government.

C. How are state and local governments organized and what do they do?

G. State governments.

E. What is the place of law in the American constitutional system?

1. The place of law in American society.
3. Judicial protection of the rights of individuals.

V. WHAT ARE THE ROLES OF THE CITIZEN IN AMERICAN DEMOCRACY?

What is citizenship?

2. The meaning of citizenship.

What are the rights of citizens?

1. Personal rights.
3. Political rights.

4. Economic rights.

4. Scope and limits of rights.

What are the responsibilities of citizens?

A. Personal responsibilities.

2. Civic responsibilities.

What dispositions or traits of character are important to the preservation and improvement of American constitutional democracy?

1. Dispositions that enhance citizen effectiveness and promote the healthy functioning of American constitutional democracy.

E. How can citizens take part in civic life?

B. 1. Participation in civic and political life and the attainment of individual and public goals.

2. The difference between political and social participation.

3. Forms of political participation.

4. Political leadership and public service.

5. Knowledge and participation.

National Geography Standards

Standard 1: "How to use maps and other geographic representations, tools, and technologies to acquire, process, and report information from a spatial perspective"

Standard 2: "How to use mental maps to organize information about people, places, and environments in a spatial context"

Standard 3: "How to analyze the spatial organization of people, places, and environments on Earth's surface"

Standard 4: "The physical and human characteristics of places"

Standard 5: "That people create regions to interpret Earth's complexity"

Standard 6: "How culture and experience influence people's perceptions of places and regions"

Standard 7: "The physical processes that shape the patterns of Earth's surface"

Standard 8: "The characteristics and spatial distribution of ecosystems on Earth's surface"

Standard 9: "The characteristics, distribution, and migration of human population on Earth's surface"

Standard 10: "The characteristics, distribution, and complexity of Earth's cultural mosaics"

Standard 11: "The patterns and networks of economic interdependence on Earth's surface"

Standard 12: "The processes, patterns, and functions of human settlement"

Standard 13: "How the forces of cooperation and conflict among people influence the division and control of Earth's surface"

Standard 14: "How human actions modify the physical environment"

Standard 15: "How physical systems affect human systems"

Standard 16: "The changes that occur in the meaning, use, distribution, and importance of resources"

Standard 17: "How to apply geography to interpret the past"

Standard 18: "How to apply geography to interpret the present and plan for the future."

Standards for the English Language Arts

Sponsored by NCTE and IRA

The vision guiding these standards is that all students must have the opportunities and resources to develop the language skills they need to pursue life's goals and to participate fully as informed, productive members of society. These standards assume that literacy growth begins before children enter school as they experience and experiment with literacy activities—reading and writing, and associating spoken words with their graphic representations. Recognizing this fact, these standards encourage the development of curriculum and instruction that make productive use of the emerging literacy abilities that children bring to school. Furthermore, the standards provide ample room for the innovation and creativity essential to teaching and learning. They are not prescriptions for particular curriculum or instruction. Although we present these standards as a list, we want to emphasize that they are not distinct and separable; they are, in fact, interrelated and should be considered as a whole.

- 1.** Students read a wide range of print and non-print texts to build an understanding of texts, of themselves, and of the cultures of the United States and the world; to acquire new information; to respond to the needs and demands of society and the workplace; and for personal fulfillment. Among these texts are fiction and nonfiction, classic and contemporary works.
- 2.** Students read a wide range of literature from many periods in many genres to build an understanding of the many dimensions (e.g., philosophical, ethical, aesthetic) of human experience.
- 3.** Students apply a wide range of strategies to comprehend, interpret, evaluate, and appreciate texts. They draw on their prior experience, their interactions with other readers and writers, their knowledge of word meaning and of other texts, their word identification strategies, and their understanding of textual features (e.g., sound-letter correspondence, sentence structure, context, graphics).

- 4.** Students adjust their use of spoken, written, and visual language (e.g., conventions, style, vocabulary) to communicate effectively with a variety of audiences and for different purposes.
- 5.** Students employ a wide range of strategies as they write and use different writing process elements appropriately to communicate with different audiences for a variety of purposes.
- 6.** Students apply knowledge of language structure, language conventions (e.g., spelling and punctuation), media techniques, figurative language, and genre to create, critique, and discuss print and non-print texts.
- 7.** Students conduct research on issues and interests by generating ideas and questions, and by posing problems. They gather, evaluate, and synthesize data from a variety of sources (e.g., print and non-print texts, artifacts, people) to communicate their discoveries in ways that suit their purpose and audience.
- 8.** Students use a variety of technological and information resources (e.g., libraries, databases, computer networks, video) to gather and synthesize information and to create and communicate knowledge.
- 9.** Students develop an understanding of and respect for diversity in language use, patterns, and dialects across cultures, ethnic groups, geographic regions, and social roles.
- 10.** Students whose first language is not English make use of their first language to develop competency in the English language arts and to develop understanding of content across the curriculum.
- 11.** Students participate as knowledgeable, reflective, creative, and critical members of a variety of literacy communities.

Students use spoken, written, and visual language to accomplish their own purposes (e.g., for learning, enjoyment, persuasion, and the exchange of information).

“Stony the Road We Trod . . .”
Alabama’s Role in the Modern Civil Rights Movement
Reading/Resource Binder

"Stony the Road We Trod . . .": Jim Crow Laws

Jim Crow Laws

By the 1890s, as the gains of Reconstruction were stripped away, southern states began enacting Jim Crow laws that enforced separate facilities for blacks and whites. Here are samples of the laws enacted by various states.

Alabama

Health Care

No person or corporation shall require any white female nurse to nurse in wards or rooms in hospitals, either public or private, in which negro men are placed.

Transportation

All passenger stations in this state operated by any motor transportation company shall have separate waiting rooms or space and separate ticket windows for the white and colored races.

The conductor of each passenger train is authorized and required to assign each passenger to the car or the division of the car, when it is divided by a partition, designated for the race to which such passenger belongs.

Public Facilities

It shall be unlawful to conduct a restaurant or other place for the serving of food in the city, at which white and colored people are served in the same room, unless such white and colored persons are effectually separated by a solid partition extending from the floor upward to a distance of seven feet or higher, and unless a separate entrance from the street is provided for each compartment.

It shall be unlawful for a negro and white person to play together or in company with each other at any game of pool or billiards.

Every employer of white or negro males shall provide for such white or negro males reasonably accessible and separate toilet facilities.

African-Americans in the South ca. 1920

Letter on Debt Peonage

I am not an educated man. I will give you the peonage system as it is practiced here in the name of the law. If a colored man is arrested here and hasn't any money, whether he is guilty or not, he has to pay just the same. A man of color is never tried in this country. It is simply a farce. Everything is fixed before he enters the courtroom. I will try to give you an illustration of how it is done:

I am brought in a prisoner, go through the farce of being tried. The whole of my fine may amount to fifty dollars. A kindly appearing man will come up and pay my fine and take me to his farm to allow me to work it out. At the end of a month I find that I owe him more than I did when I went there. The debt is increasing year in and year out. You would ask. "How is that?" It is simply that he is charging you more for your board, lodging and washing than they allow you for your work, and you can't help yourself either, nor can anyone else help you, because you are

still a prisoner and never get your fine worked out. If you do as they say and be a good Negro, you are allowed to marry, provided you can get someone to have you, and of course the debt increases. This is in the United States, where it is supposed that every man has equal rights before the law, and we are held in bondage by this same outfit.

Of course we can't prove anything. Our word is nothing. If we state things as they are, the powers that be make a different statement, and that sets ours aside at Washington and, I suppose, in Heaven, too.

Now, I have tried to tell you how we are made servants here according to law, I will tell you in my next letter how the lawmakers keep the colored children out of schools, how that pressure is brought to bear on their parents in such a manner they cannot help themselves. The cheapest way we can borrow money here is at the rate of twenty five cents on the dollar per year....

What I have told you is strictly confidential. If you publish it, don't put my name to it. I would be dead in a short time after the news reached here.

One word more about the peonage. The court and the man you work for are always partners. One makes the fine and the other one works you and holds you, and if you leave you are tracked up with bloodhounds and brought back.

--The Crisis, August, 1911. pp. 166-67.

"Work or Fight" in the South" (WWI)

In a small town in Alabama, sixteen miles from Montgomery, the state capital, the mayor of the town had a colored cook. This cook one Saturday night asked her employer for a higher wage. The mayor refused, stating that he had never paid any more for a cook and wasn't going to do so now. The woman thereupon quit, and, as the law provided, the mayor took up her employment card which he himself had issued to her. The following morning a deputy sheriff appeared at her door and demanded that she show her work card. Despite her explanation of the reason why she had no card, she was arrested and on Monday morning was brought up for trial in the Mayor's Court, before the mayor himself. She was found guilty, and fined \$14.00, which fine was paid by the mayor, who then said to her, "Go on up to my house, work out the fine and stop your foolishness."

This is a striking example of the method by which certain sections of the South have been able to improve on the "Work or Fight Order" of Provost Marshal General Crowder. This order provided that every able-bodied male person between draft ages, must be engaged in some necessary employment...But it was not sufficient for the many employers who found that the war took from them workers they had used in civilian forms of labor, and, North and South, compulsory work laws were passed by various states....

These federal and state laws, however, referred only to men. But women's labor was also greatly in demand. The shortage of domestic servants has been felt throughout the whole of the United States, but it remained for the South to meet it in the extraordinary manner exemplified by the mayor in Alabama. Cities and towns and rural communities passed compulsory labor ordinances and by this means met with partial success in keeping the population at its former work and sometimes at pre-war low wages....

In Macon, Georgia, a colored woman was arrested for not working. She told the court at her trial that she was married, that her husband earned enough to enable her to stay at home and take care of the home and her children, and court that if she remained in Macon she "would either work in service or on the public works" as being married did not exempt her from the provisions of the law.

In Birmingham, due to the shortage of domestic labor, an article appeared on June 19th in local papers stating that all women must work. The white women immediately protested and on the 21st another article appeared headed NEGRO WOMEN HERE ORDERED TO WORK. About the same time the Municipal Employment Agency issued an order stating that "all Negro women . . . must either work or go to jail." Twenty women were arrested, all colored, on the first day the order went into effect. The following morning the Birmingham News carried an ironical article headed; UNITED STATES EMPLOYMENT BUREAU CALLS BLUFF OF EBONY HUED WORKERS.

Some days later, the wife of a respectable colored man was sitting on her porch one afternoon paring potatoes for supper, waiting for her husband to come home from his work. An officer saw her, asked her if she was working, and on being told that her duties at home required all of her time and that her husband earned enough to allow her to stay at home, he arrested her for "vagrancy," taking her to the county jail. When her husband came home and was told of the arrest, he immediately went to the jail to provide bail for his wife. This he could not do as all of the officials had gone home. His wife was forced to remain in jail all night, and was released on bail the following morning. This case was dismissed when brought to trial.

In Bainbridge, Decatur County, Georgia, in July, the city council passed an ordinance forcing all women (which meant all colored women), whether married or not, whose duties were only those of their homes, to work at some particular job. An officer was sent to the homes of colored people who summoned the wives of a number of colored men to appear in court. There they were charged with vagrancy and fined \$15.00 each and told that taking care of their homes was not enough work for them to be doing. On the following night and indignation meeting of the colored citizens was held and the city authorities were told that unless this unjust and discriminatory law were repealed, the colored people would resist "to the last drop of blood in their bodies." No further arrests were made.

No record could be found of any able-bodied white woman being molested....

The impulse to secure colored male labor and to hold it for such purposes as the white man felt most important to his own welfare was also in evidence....

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Jim Crow laws

From Wikipedia, the free encyclopedia

***Jim Crow laws** were state and local laws enacted in the Southern and border states of the [United States](#) and in force between 1876 and 1964 that restricted access of [African-Americans](#) to public facilities. **Jim Crow**, or the **Jim Crow period** or the **Jim Crow era** refers to the time during which this practice occurred. The most important laws required that public schools be segregated by race, and that most public places (including trains and buses) have separate facilities for whites and blacks. School segregation was declared unconstitutional by the Supreme Court in 1954 in [Brown v. Board of Education](#). All the other Jim Crow laws were repealed by the [Civil Rights Act of 1964](#).*

Reconstruction

During the [Reconstruction](#) period 1865-1876, federal law and local political success provided some civil rights protection in the South for [Freedmen](#)--the African-Americans who had formerly been slaves. Reconstruction ended at different dates (the latest 1877), and was followed in each Southern state by [Redeemer](#) governments that passed the Jim Crow laws to separate the races. "Jim Crow" was a familiar [minstrel](#) character of the day from the song and dance [Jump Jim Crow](#).

In the [Progressive Era](#) the restrictions were formalized, and segregation was extended to the federal government by President [Woodrow Wilson](#) in 1913.

After 1945, a [Civil Rights movement](#) comprising African-American veterans who had been segregated in separate military units and led by clergy in African-American churches sought to overturn Jim Crow laws. By the late 1950s protestors were sitting in the "wrong" seats on buses and lunch counters as a form of highly visible protest. The [Supreme Court](#) declared public school segregation illegal in 1954. President [Lyndon B. Johnson](#), building a coalition of northern Democrats and Republicans, pushed Congress to pass the [Civil Rights Act of 1964](#) which outlawed all Jim Crow laws. Legal segregation was known as [de jure](#) segregation, but the new law did not stop [de facto](#) or informal segregation, which continues in most parts of the United States where most African Americans live and attend schools separately from whites.

[\[edit\]](#)

Origins of the Jim Crow laws

The conclusion of the [American Civil War](#) in 1865 led to the policy of [Reconstruction](#), in which the Republican-controlled Federal government intervened to protect the rights conferred on black Americans by the [13th](#), [14th](#), and [15th](#) Amendments to the [United States Constitution](#), as well as (upon their introductions) the [Civil Rights Act of 1866](#) and the [Civil Rights Act of 1875](#). In almost-immediate response Southern legislatures, overwhelmingly dominated by Democrats, passed the [black codes](#), which gave new rights to the Freedmen but fewer than whites possessed.

In 1876, six black men were murdered by whites during a race riot in Hamburg, South Carolina. The race riot and murders strengthened the "Straight-Out" faction of the Democratic Party. They were victorious in the fall elections, and South Carolina joined the ranks of the "redeemed" states. In the North, the Hamburg

Massacre became a symbol of the anti-black, anti-Reconstruction violence perpetrated by segments of the Democratic Party in the South. Seven white men were indicted for the Hampton murders, but the case against them was dropped after the Redeemers assumed office.

<http://en.wikipedia.org/wiki/Image:Hamburg-riot.jpg>

<http://en.wikipedia.org/wiki/Image:Hamburg-riot.jpg> New York magazine calls for justice in South Carolina, August 12, 1876^[1]

In the aftermath of Reconstruction, the [Redeemers](#) reversed many of the civil rights gains that black Americans had made during Reconstruction, passing laws that mandated discrimination by both local governments and by private citizens. These became known as the Jim Crow laws, a reference to the character [Jump Jim Crow](#) (popular in [antebellum minstrel](#) entertainment) introduced in 1832 through a song written and sung by "Daddy" Dan Rice. Jim Crow was a racist stage depiction of a poor and uneducated rural black man. Since "Jim Crow law" is a blanket term for any of this type of legislation following the end of Reconstruction, the exact date of inception for the laws is difficult to isolate; consensus points to the 1890s and the adoption of legislation segregating railroad cars in New Orleans as the first genuine Jim Crow law. By 1915, every Southern state had effectively destroyed the gains in civil rights and liberties that blacks had enjoyed due to the Reconstructionist efforts.

Between 1890 and 1910, many state governments prevented most blacks from voting by various techniques, such as [poll taxes](#) and [literacy tests](#). (These could be waived for whites due to [grandfather clauses](#).) It is estimated that of 181,000 African-American males of voting age in [Alabama](#) in 1900, only 3,000 were registered to vote.

The discriminatory Jim Crow laws were enacted to support [racial segregation](#). They required black and white people to use separate water fountains, public schools, public bath houses, restaurants, public libraries, and rail cars in [public transport](#).

[\[edit\]](#)

Examples of Jim Crow laws in various states

The following examples of segregation (Jim Crow laws) are excerpts from examples of Jim Crow laws shown on a (U.S.) National Park Service web site. ^[2]

Note that the examples here include anti-miscegenation laws; though sometimes counted among the "Jim Crow laws" of the South, those laws had also existed outside the South for many years. Anti-miscegenation laws were not repealed by the Civil Rights Act of 1964, but were declared unconstitutional in the 1967 Supreme Court case *Loving v. Virginia*.

<http://en.wikipedia.org/wiki/Image:ColoredDrinking.jpg>

<http://en.wikipedia.org/wiki/Image:ColoredDrinking.jpg> An African American drinks out of a segregated water cooler designated for "colored" patrons in 1939 at a streetcar terminal in Oklahoma City.

ALABAMA

- _ Nurses. No person or corporation shall require any white female nurse to work in wards or rooms in hospitals, either public or private, in which Negro men are placed.
- _ Buses. All passenger stations in this state operated by any motor transportation company shall have separate waiting rooms or space and separate ticket windows for the white and colored races.
- _ Railroads. The conductor of each passenger train is authorized and required to assign each passenger to the car or the division of the car, when it is divided by a partition, designated for the race to which such passenger belongs.
- _ Restaurants. It shall be unlawful to conduct a restaurant or other place for the serving of food in the city, at which white and colored people are served in the same room, unless such white and colored persons are effectually separated by a solid partition extending from the floor upward to a distance of seven feet or higher, and unless a separate entrance from the street is provided for each compartment.
- The General Assembly shall establish, organize, and maintain a system of public schools throughout the state for equal benefit of the children thereof, between the ages of seven and twenty-one years; but separate schools shall be provided for the children of African descent.

FLORIDA

- _ Intermarriage. All marriages between a white person and a Negro, or between a white person and a person of Negro descent to the fourth generation inclusive, are hereby forever prohibited.
- _ Cohabitation. Any Negro man and white woman, or any white man and Negro woman, who are not married to each other, who shall habitually live in and occupy in the nighttime the same room shall each be punished by imprisonment not exceeding twelve (12) months, or by fine not exceeding five hundred (\$500.00) dollars.
- _ Education. The schools for white children and the schools for Negro children

shall be conducted separately.

GEORGIA

- Restaurants. All persons licensed to conduct a restaurant, shall serve either white people exclusively or colored people exclusively and shall not sell to the two races within the same room or serve the two races anywhere under the same license.
- Amateur Baseball. It shall be unlawful for any amateur white baseball team to play baseball on any vacant lot or baseball diamond within two blocks of a playground devoted to the Negro race, and it shall be unlawful for any amateur colored baseball team to play baseball in any vacant lot or baseball diamond within two blocks of any playground devoted to the white race.

LOUISIANA

- Housing. Any person...who shall rent any part of any such building to a Negro person or a Negro family when such building is already in whole or in part in occupancy by a white person or white family, or vice versa when the building is in occupancy by a Negro person or Negro family, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) nor more than one hundred (\$100.00) dollars or be imprisoned not less than 10, or more than 60 days, or both such fine and imprisonment in the discretion of the court.

MISSISSIPPI

- Promotion of Equality. Any person...who shall be guilty of printing, publishing or circulating printed, typewritten or written matter urging or presenting for public acceptance or general information, arguments or suggestions in favor of social equality or of intermarriage between whites and Negroes, shall be guilty of a misdemeanor and subject to fine or not exceeding five hundred (500.00) dollars or imprisonment not exceeding six (6) months or both.

NORTH CAROLINA

- Textbooks. Books shall not be interchangeable between the white and colored schools, but shall continue to be used by the race first using them.
- Libraries. The state librarian is directed to fit up and maintain a separate place for the use of the colored people who may come to the library for the purpose of reading books or periodicals.

VIRGINIA

- Theaters. Every person...operating...any public hall, theatre, opera house, motion

picture show or any place of public entertainment or public assemblage which is attended by both white and colored persons, shall separate the white race and the colored race and shall set apart and designate...certain seats therein to be occupied by white persons and a portion thereof , or certain seats therein, to be occupied by colored persons.

- Railroads. The conductors or managers on all such railroads shall have power, and are hereby required, to assign to each white or colored passenger his or her respective car, coach or compartment. If the passenger fails to disclose his race, the conductor and managers, acting in good faith, shall be the sole judges of his race.

WYOMING

- Intermarriage. All marriages of white persons with Negroes, Mulattos, Mongolians, or Malaya hereafter contracted in the State of Wyoming are and shall be illegal and void.

More examples of state-ordered discrimination against African-American people appear here [\[3\]](#).

Examples of laws requiring discrimination against black people in the following states Alabama, Arizona, Florida, Georgia, & Kentucky are here: [\[4\]](#) Louisiana, Maryland, Mississippi, Missouri, New Mexico, and North Carolina are here: [\[5\]](#) Oklahoma, South Carolina, Texas, Virginia, and Wyoming are here: [\[6\]](#)

Further discussion of state laws requiring segregation of the races is here [\[7\]](#) and here [\[8\]](#).
[\[edit\]](#)

Attempts at dismantling Jim Crow

Congress passed the [Civil Rights Act of 1875](#), legislation introduced by [Charles Sumner](#) and [Benjamin F. Butler](#) in 1870, and passed March 1, 1875. It guaranteed that everyone, regardless of race, color, or previous condition of servitude, was entitled to the same treatment in "public accommodations" (i.e. inns, public conveyances on land or water, theaters, and other places of public amusement).

The [Supreme Court of the United States](#) invalidated most of the [Civil Rights Act of 1875](#) in 1883. The nation's highest court held that Congress had no power under the [U.S. Constitution](#) to regulate the conduct of individuals (see [Civil Rights](#)

Cases). After Congress passed the Civil Rights Act of 1875, it did not pass another civil rights law until 1957.

In 1890, the State of Louisiana passed a law requiring separate accommodations for black and white passengers on railroads. A group of concerned black and white citizens in New Orleans formed an association dedicated to the repeal of that law. They persuaded [Homer Plessy](#), who was light-skinned and one-eighth African, to test it. In 1892, Plessy purchased a first-class ticket from New Orleans on the [East Louisiana Railway](#). Once he had boarded the train, he informed the train conductor of his racial lineage, and took a seat in the whites-only section. He was asked to leave the railway car designated for white passengers, and ordered to sit instead in the "blacks only" car. Plessy refused and was immediately arrested. The Citizens Committee of New Orleans appealed the case to the [Supreme Court of the United States](#) and lost. The loss of the case, *Plessy v. Ferguson*, resulted in 58 more years of hardship and legal discrimination against black people in the United States.

When black soldiers returning from World War II refused to put up with the second class citizenship of segregation, the movement for [Civil Rights](#) was renewed. Post-World War II efforts to end discrimination resulted in the [NAACP](#) Legal Defense Committee--and its lawyer [Thurgood Marshall](#)-- bringing the landmark case that came to be known as *Brown v. Board of Education of Topeka*, [347 U.S. 483](#) (1954) before the Supreme Court. In 1954, the Court effectively overturned the 1896 Plessy decision in its ruling in *Brown v. Board of Education*. Thurgood Marshall would later become a U.S. Supreme Court Justice.

[\[edit\]](#)

The legacy of Jim Crow

The [Supreme Court of the United States](#) held in the *Civil Rights Cases* [109 US 3](#) (1883) that the Fourteenth Amendment did not give the federal government the power to outlaw private discrimination, and then held in *Plessy v. Ferguson* [163 US 537](#) (1896) that Jim Crow laws were constitutional as long as they allowed for "separate but equal" facilities. In the years that followed, the Court made this "separate but equal" requirement a hollow phrase, by approving discrimination even in the face of evidence of profound inequalities in practice.

In 1902, Reverend [Thomas Dixon](#), a white, Southern anti-Reconstructionist, published the novel *The Leopard's Spots*, which intentionally fanned racial animosity.[\[9\]](#)

Jim Crow laws were a product of the [solidly Democratic South](#). As the party which supported the Confederacy, the Democrats quickly dominated all aspects of local, state, and federal political life in the post-Civil War South, right up through the 1970s. Even as late as 1956, a resolution called [Southern Manifesto](#), condemning the Supreme Court's ruling in *Brown v. Board of Education*, was read into the Congressional Record, and supported by 96 southern congressman and senators, each one a Democrat.

While African-American entertainers, musicians, and literary figures had broken into the white world of American art and culture after 1890, African-American athletes found obstacles confronting them at every turn. By 1900, white opposition to African-American boxers, baseball players, track athletes, and basketball players kept them segregated and limited in what they could do. But their prowess and abilities in all-African-American teams and sporting events could not be denied, and one by one the barriers to African-American participation in all the major sports began to crumble in the 1950s and 1960s.

[\[edit\]](#)

Twentieth century

Part of the [Politics](#) series on
[Progressivism](#)

This article has some overlap
with these other political positions

Schools

In the 20th century, the Supreme Court began to overturn Jim Crow laws on constitutional grounds. The Court held in *Guinn v. United States* 238 US 347 (1915) that an [Oklahoma](#) law that denied the right to vote to some citizens was unconstitutional. (Nonetheless, the majority of African-Americans were unable to vote in most states in the [Deep South](#) of the US until the 1950s or 1960s.) In *Buchanan v. Warley* 245 US 60 (1917), the Court held that a [Kentucky](#) law could not require residential segregation. The Supreme Court outlawed the white [primary election](#) in *Smith v. Allwright* 321 US 649 (1944), and, in 1946, in *Irene Morgan v. Virginia* ruled segregation in interstate transportation to be unconstitutional, though its reasoning stemmed from the [commerce clause](#) of the Constitution rather

than any moral objection to the practice. It wasn't until 1954 in [Brown v. Board of Education of Topeka](#) 347 US 483 that the Court held that separate facilities were inherently unequal in the area of public schools, effectively overturning [Plessy v. Ferguson](#), and outlawing Jim Crow in other areas of society as well. This landmark case consisted of complaints filed in the states of Delaware-[Gebhart v. Belton](#); South Carolina-[Briggs v. Elliot](#); Virginia – [Davis v. County School Board of Prince Edward County](#); and Washington, DC – [Bolling v. C. Melvin Sharpe](#). These decisions, along with other cases such as [McLaurin v. Oklahoma State Board of Regents](#) 339 US 637 (1950), [NAACP v. Alabama](#) 357 US 449 (1958), and [Boynton v. Virginia](#) 364 US 454 (1960), slowly dismantled the state-sponsored segregation imposed by Jim Crow laws.

In addition to Jim Crow laws, in which the state compelled segregation of the races, businesses, political parties, unions and other private parties created their own Jim Crow arrangements, barring blacks from buying homes in certain neighborhoods, from shopping or working in certain stores, from working at certain trades, etc. The Supreme Court outlawed some forms of private discrimination in [Shelley v. Kraemer](#) 334 US 1 (1948), in which it held that "restrictive covenants" that barred sale of homes to blacks or Jews or Asians were unconstitutional, on the grounds that they represented state-sponsored discrimination, in that they were only effective if the courts enforced them.

The Supreme Court was unwilling, however, to attack other forms of private discrimination; it reasoned that private parties did not violate the [Equal Protection](#) clause of the Constitution when they discriminated, because they were not "state actors" covered by that clause.

As attitudes turned against segregation in the Federal courts after [World War II](#), the segregationist white governments of many of the states of the Southeast countered with even more numerous and strict segregation laws on the local level until the start of the 1960s. The modern [Civil Rights movement](#) is often considered to have been sparked by an act of [civil disobedience](#) against Jim Crow laws when [Rosa Parks](#), an African-American woman, refused to give up her seat on a bus to a white man. Her action, and the demonstrations that it spawned, led to a series of legislation and court decisions in which Jim Crow laws were repealed or annulled.

However, the [Montgomery Bus Boycott](#) led by Reverend [Martin Luther King, Jr.](#) which followed Rosa Parks' action, did not come in a vacuum. Numerous boycotts and demonstrations against segregation had occurred throughout the 1930s and 1940s. These early demonstrations achieved positive results and helped spark

political activism. For instance, [K. Leroy Irvis](#) of Pittsburgh's Urban League led a demonstration against employment discrimination by Pittsburgh's department stores in 1947, and later became the first 20th Century African-American to serve as a state Speaker of the House.

In 1964, the [U.S. Congress](#) attacked the parallel system of private Jim Crow practices. It invoked the [commerce clause](#) to pass the [Civil Rights Act of 1964](#), which outlawed discrimination in public accommodations, i.e., privately owned restaurants, hotels, and stores, and in private schools and workplaces. This use of the commerce clause was upheld in [Heart of Atlanta Motel v. United States](#) 379 US 241 (1964).
[\[edit\]](#)

End of *de jure* segregation

In January, 1964, President Johnson met with civil rights leaders. On January 8, during his first State of the Union address, Johnson asked Congress to "let this session of Congress be known as the session which did more for civil rights than the last hundred sessions combined." On June 21, civil rights workers [Michael Schwerner](#), [Andrew Goodman](#), and [James Chaney](#), disappeared in Neshoba County, Mississippi. The three were volunteers traveling to Mississippi to aid in the registration of African-American voters as part of the Mississippi Summer Project. The FBI recovered their bodies, which had been buried in an earthen dam, 44 days later. The Neshoba County deputy sheriff and 16 others, all Ku Klux Klan members, were indicted for the crimes; seven were convicted. On July 2, President Johnson signed the [Civil Rights Act of 1964](#) [\[10\]](#)

According to the United States Department of Justice, "By 1965 concerted efforts to break the grip of state disfranchisement had been under way for some time, but had achieved only modest success overall and in some areas had proved almost entirely ineffectual. The murder of voting-rights activists in Philadelphia, Mississippi, gained national attention, along with numerous other acts of violence and terrorism. Finally, the unprovoked attack on March 7, 1965, by state troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, en route to the state capitol in Montgomery, persuaded the President and Congress to overcome Southern legislators' resistance to effective voting rights legislation. President Johnson issued a call for a strong voting rights law and hearings began soon thereafter on the bill that would become the Voting Rights Act." [\[11\]](#)
[\[edit\]](#)

The name

<http://en.wikipedia.org/wiki/Image:Jimcrow.jpg>

A depiction of Thomas D. Rice's "Jim Crow"

The term *Jim Crow* comes from the minstrel show song "[Jump Jim Crow](#)" written in 1828 and performed by Thomas Dartmouth "Daddy" Rice, a white English migrant to the U.S. and the first popularizer of blackface performance. The song and blackface itself were an immediate hit. A caricature of a shabbily dressed rural black, "Jim Crow" became a standard character in minstrel shows. He was often paired with "Zip Coon," a flamboyantly dressed urban black who associated more with white culture. By 1837, *Jim Crow* was being used to refer to racial segregation.

[\[edit\]](#)

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[edit]

Article Two – Jim Crow

After the [American Civil War](#) most states in the South passed anti-African American legislation. These became known as Jim Crow laws. This included laws that discriminated against African Americans with concern to attendance in public schools and the use of facilities such as restaurants, theaters, hotels, cinemas and public baths. Trains and buses were also segregated and in many states marriage between whites and African American people.

Jim Crow laws were tested in 1896 by [Homer Plessey](#) when convicted in Louisiana for riding in a white only railway car. Plessey took his case to the [Supreme Court](#) but the justices voted in favour of the Louisiana Court. [William B. Brown](#) established the legality of segregation as long as facilities were kept "separate but equal". Only one of the justices, [John Harlan](#), disagreed with this decision.

In the early 1950s the [National Association for the Advancement of Coloured People](#) concentrated on bringing an end to segregation on buses and trains. In 1952 segregation on inter-state railways was declared unconstitutional by the [Supreme Court](#). This was followed in 1954 by a similar judgment concerning inter-state buses. However, states in the Deep South continued their own policy of transport segregation. This usually involved whites sitting in the front and blacks sitting nearest to the front had to give up their seats to any whites that were standing.

African American people who disobeyed the state's transport segregation policies were arrested and fined. In 1956 African Americans, led by [Martin Luther King](#) and [Rosa Parks](#), organised the successful [Montgomery Bus Boycott](#).

Transport segregation continued in some parts of the Deep South, so in 1961, a civil rights group, the [Congress of Racial Equality](#) (CORE) began to organize [Freedom Rides](#). After three days of training in non-violent techniques, black and white volunteers sat next to each other as they travelled through the Deep South. On their journeys they also campaigned against other forms of racial discrimination. They sat together, in segregated restaurants, lunch counters and hotels. This was especially effective when it concerned large companies who, fearing boycotts in the North, began to desegregate their businesses.

In 1964, President, [Lyndon Baines Johnson](#), managed to persuade Congress to pass the [Civil Rights Act](#). This made racial discrimination in public places, such as theaters, restaurants and hotels, illegal. It also required employers to provide equal employment opportunities. Projects involving federal funds could now be cut off if there was evidence of discriminated based on

colour, race or national origin.

Reflections on Life Under “Jim Crow”

(2) Boston Blackwell, aged 98 from North Little Rock, Arkansas, interviewed as part of the Federal Writers Project in 1937.

Them Ku Kluxers was terrible - what they done to people. Oh, God, they was bad. They come sneaking up and run you out of your house and take everything you had. They was rough on the women and children. People all wanted to stay close by where soldiers was. I sure knowed they was my friend.

Now you wants to know about this voting business. I voted for General Grant. Army men come around and registered you before voting time. It wasn't no trouble to vote them days; white and black all voted together. All you had to do was tell who you was vote for and they give you a colored ticket. All the men up had different colored tickets. If you voted for Grant, you get his color. It was easy. They was colored men in office, plenty. Colored legislators, and colored circuit clerks, and colored county clerks. They sure was some big officers colored in them times. They was all my friends. This here used to be a good county, but I tell you it sure is tough now. I think it's wrong - exactly wrong that we can't vote now. The Jim Crow law, it put us out. The Constitution of the United States, it give us the right to vote. It made us citizens, it did.

(3) Ray Stannard Baker, *American Magazine*, Following the Color Line (1908)

One of the points in which I was especially interested was the Jim Crow regulations, that is, the system of separation of the races in street cars and railroad trains.

I was curious to see how the system worked out in Atlanta. Over the door of each car, I found the sign: "White people will seat from front of car toward the back and colored people from toward front". Sure enough, I found the white people in front and the Negroes behind.

As the sign indicates, there is no definite line of division between the white seats and the black seats, as in many other Southern cities. This very absence of a clear demarcation is significant of many relationships in the South. The colour line is drawn, but neither race knows just where it is. Indeed, it can hardly be definitely drawn in many relationships, because it is constantly changing. This uncertainty is a fertile source of friction and bitterness.

The very first time I was on a car in Atlanta, I saw the conductor - all conductors are white - ask a Negro woman to get up and take a seat farther back in order to make a place for a white man. I have also seen white men requested to leave the Negro section of the car.

"We pay first-class fare," said one of the leading Negroes in Atlanta, "exactly as the white man does, but we don't get first-class service. I say it isn't fair."

Charles T. Hopkins, a leader in the Civic League and one of the prominent lawyers of the city, told me that he believed the Negroes should be given their definite seats in every car; he said that he personally made it a practice to stand up rather than to take any one of the four back seats, which he considered as belonging to the Negroes.

(4) During the First World War the Luftwaffe dropped leaflets from planes on black regiments from the United States.

What is democracy? Personal freedom, all citizens enjoying the same rights socially and before the law. Do you enjoy the same rights as the white people in America, the land of Freedom and Democracy, or are you rather not treated over there as a second-class citizen? Can you go into a restaurant where white people dine? Can you get a seat in the theatre where white people sit? Is lynching a lawful proceeding in a democratic country?

(5) Richard Wright was born in Mississippi. At the age of fifteen he moved to Chicago and later he described what it was like to travel for the first time on non-segregated transport.

We see white men and women get on the train, dressed in expensive new clothes. We look at them guardedly and wonder will they bother us. Will they ask us to stand up while they sit down? Will they tell us to go to the back of the coach? Even though we have been told that we need not to be afraid, we have lived so long in fear of all white faces that we cannot help but sit and wait. We look around the train and we do not see the old familiar signs: "For Colored" and "For White".

Then we board our first Yankee streetcar to go to a cousin's home. We pay the conductor our fare and look about where we please, but we were still scared. We cannot shake off 300 years of fear in three hours. We ease into a seat and look out of the window at the crowded streets. A white man or woman comes and sits besides us, not even looking at us, as though this was a normal thing to do. The muscles of our bodies tighten. Indefinable sensations crawl over our skins and our blood tingles. Out of the corners of our eyes we try to get a glimpse of the strange white face that floats but a few inches from ours.

(6) Agnes Smedley, letter to Aino Taylor (7th December, 1942)

The treatment of Negroes in the south has humiliated and shamed me so deeply that my blood runs cold in my veins. Traveling by bus, with the rain pouring, the driver ordered a dozen Negroes to step back and let two handsome white women aboard first. They came on, then the driver saw they had Negro blood in their veins - perhaps their hair showed it. The driver slapped his leg and bawled with laughter and said to the white passengers: "Now ain't that a joke! I thought they was white and they are Niggers." The faces of the two women and of all the colored passengers were frozen. Mine froze too. Some of the white passengers broke into a laugh at the joke.

I saw a northern white soldier ask a colored soldier to sit down by him and the latter did so; then the bus driver stopped the bus and said: "Stand up. Nigger!" The colored soldier stood up. The white soldier said: "Aw hell!" and stood up also. But had that white soldier not been in uniform, I don't know what would have happened.

Now when I heard this, I should have stood up and killed the driver. But I sat there petrified, sat there like a traitor to the human race. I kept thinking of what Jesus would have done, and knew that he would perhaps have allowed Himself to be killed. I didn't. I didn't do a thing for many reasons: because I was warned a dozen times by white people that if I did anything it would be the colored people who suffered for it. The whole south whispers if the least thing breaks out. In one town in Georgia a fight started in the colored section of the town. So great is the tension that the minute it started, the railway engine on the train began to toot, the air-raid sirens went off as if there was an air raid, police cars and motorcycles roared through the street, and I heard the firing of guns. A street fight starts such a night alarm.

*(7) In his book, **Stride Toward Freedom: The Montgomery Story**, **Martin Luther King** described how racial segregation was organized on buses in Alabama.*

Frequently Negroes paid their fare at the front door, and then were forced to get off and reboard at the rear. An even more humiliating practice was the custom of forcing Negroes to stand over empty seats reserved for "whites only". Even if the bus had no white passengers, and Negroes were packed throughout, they were prohibited from sitting in the front four seats (which held ten persons). But the practice went further. If white persons were already occupying all of their reserved seats and additional white people boarded the bus. Negroes sitting in the unreserved section immediately behind the whites were asked to stand so that the whites could be seated. If the Negroes refused to stand and move back, they were arrested.

*(8) **Rosa Parks**, interviewed by **Howell Raines** for the book **My Soul is Rested: Movement Days in the Deep South Remembered** (1977)*

I had left my work at the men's alteration shop, a tailor shop in the Montgomery Fair department store, and as I left work, I crossed the street to a drugstore to pick up a few items instead of trying to go directly to the bus stop. And when I had finished this, I came across the street and looked for a Cleveland Avenue bus that apparently had some seats on it. At that time it was a little hard to get a seat on the bus. But when I did get to the entrance of the bus, I got in line with a number of other people who were getting on the same bus.

As I got up on the bus and walked to the seat I saw there was only one vacancy that was just back of where it was considered the white section. So this was the seat that I took, next to the aisle, and a man was sitting next to me. Across the aisle there were two women, and there were a few seats at this point in the very front of the bus that was called the white section. I went on to one stop and I didn't particularly notice who was getting on the bus, didn't particularly notice the other people getting on. And on the third stop there were some people getting on, and at this point all of the front seats were taken. Now in the beginning, at the very first stop I had got on the bus, the back of the bus was filled up with

people standing in the aisle and I don't know why this one vacancy that I took was left, because there were quite a few people already standing toward the back of the bus. The third stop is when all the front seats were taken, and this one man was standing and when the driver looked around and saw he was standing, he asked the four of us, the man in the seat with me and the two women across the aisle, to let him have those front seats.

At his first request, didn't any of us move. Then he spoke again and said, "You'd better make it light on yourselves and let me have those seats." At this point, of course, the passenger who would have taken the seat hadn't said anything. In fact, he never did speak to my knowledge. When the three people, the man who was in the seat with me and the two women, stood up and moved into the aisle, I remained where I was. When the driver saw that I was still sitting there, he asked if I was going to stand up. I told him, no, I wasn't. He said, "Well, if you don't stand up, I'm going to have you arrested." I told him to go on and have me arrested.

He got off the bus and came back shortly. A few minutes later, two policemen got on the bus, and they approached me and asked if the driver had asked me to stand up, and I said yes, and they wanted to know why I didn't. I told them I didn't think I should have to stand up. . . . They placed me under arrest then and had me to get in the police car, and I was taken to jail.

(9) James Eastland, representative from Mississippi, speech in the United States Senate (27th May, 1954)

The southern institution of racial segregation or racial separation was the correct, self-evident truth which arose from the chaos and confusion of the reconstruction period. Separation promotes racial harmony. It permits each race to follow its own pursuits, and its own civilization. Segregation is not discrimination. Segregation is not a badge of racial inferiority, and that it is not is recognized by both races in the Southern States. In fact, segregation is desired and supported by the vast majority of the members of both races in the South, who dwell side by side under harmonious conditions.

The negro has made a great contribution to the South. We take pride in the constant advance he has made. It is where social questions are involved that Southern people draw the line. It is these social institutions with which Southern people, in my judgment, will not permit the Supreme Court to tamper.

Let me make this clear, Mr. President: There is no racial hatred in the South. The Negro race is not an oppressed race. A great Senator from the State of Idaho, Senator William E. Borah, a few years ago said on the floor of the Senate: "Let us admit that the South is dealing with this question as best it can, admit that the men and women of the South are just as patriotic as we are, just as devoted to the principles of the Constitution as we are, just as willing to sacrifice for the success of their communities as we are. Let us give them credit as American citizens, and cooperate with them, sympathize with them, and help them in the solution of their problem, instead of condemning them. We are one people, one nation, and they are entitled to be treated upon this basis."

Mr. President, it is the law of nature, it is the law of God, that every race has both the right and the duty to perpetuate itself. All free men have the right to associate exclusively with members of their own race, free from governmental interference, if they so desire. Free men have the right to send their children to schools of their own choosing, free from governmental interference and to build up their own culture, free from governmental interference. These rights are inherent in the Constitution of the United States and in the American system of government, both state and national, to promote and protect this right.

(10) Tom P. Brady, *Black Monday*, a booklet published by the Association of Citizens' Councils (1955)

"Black Monday" is the name coined by Representative John Bell Williams of Mississippi to designate Monday, May 17th, 1954, a date long to be remembered throughout this nation. This is the date upon which the Supreme Court of the United States handed down its socialistic decision in the Segregation cases on appeal from the States of Kansas, South Carolina, Virginia and Delaware.

"Black Monday" is indeed symbolic of the date. Black denoting darkness and terror. Black signifying the absence of light and wisdom. Black embodying grief, destruction and death. Should Representative Williams accomplish nothing more during his membership in Congress he has more than justified his years in office by the creating of this epithet, the originating of this watchword, the shouting of this battle cry.

Black Monday ranks in importance with July 4th, 1776, the date upon which our Declaration of Independence was signed. May 17th, 1954, is the date upon which the declaration of socialistic doctrine was officially proclaimed throughout this nation. It was on Black Monday that the judicial branch of our government usurped the sacred privilege and right of the respective states of this union to educate their youth. This usurpation constitutes the greatest travesty of the American Constitution and jurisprudence in the history of this nation.

(11) Elizabeth Eckford was one of the nine African American students who tried to enroll at Little Rock Central High School during September, 1957. She was later interviewed about her attempts to gain entry to the school on the first day of term.

The crowd was quiet. I guess they were waiting to see what was going to happen. When I was able to steady my knees, I walked up to the guard who had let the white students in. When I tried to squeeze past him, he raised his bayonet and then the other guards closed in and they raised their bayonets. They glared at me with a mean look and I was very frightened and didn't know what to do. I turned around and the crowd came toward me. Someone started yelling "lynch her!"

I tried to find a friendly face somewhere in the mob. I looked at her again she spat on me. They came closer, shouting, "No nigger bitch is going to get in our school! Get out of here!" Then I saw a bench at the bus stop. When I got there, I don't think I could have gone another step. I sat down and the mob crowded up and began shouting all over again. Just then a white man sat down beside me, put his arm around me and patted my shoulder. He raised my chin and said,

"Don't let them see you cry."

(12) **James Peck**, a white member of the **Freedom Riders**, wrote about his experiences with his friend, the African American, **Charles Person**, in Birmingham on 14th May, 1961, in his book, *Freedom Rider* (1962)

Upon arrival in Birmingham I could see a mob lined up on the sidewalk only a few feet from the loading platform. Most of them were young - in their twenties. Some were carrying ill-concealed iron bars. All had hate showing on their faces.

I looked at them and then I looked at Charles Person, who had been designated as my team mate to test the lunch counter. When I looked at him, he responded by saying simply, "Let's go." As we entered the white waiting room and approached the lunch counter, we were grabbed bodily and pushed toward the alleyway and out of sight of onlookers in the waiting room, six of them started swinging at me with fists and pipes. Five others attacked Person a few feet ahead. Within seconds, I was unconscious on the ground.

(13) **Fred Shuttlesworth** led the campaign to desegregate buses in Birmingham, Alabama. An account of the campaign appeared in *Birmingham: People in Motion* (1966)

In May 1956 Alabama politicians "stood on the beach of history and tried to hold back the tide." They outlawed the National Association for the Advancement of Colored People, in a desperate attempt to halt the movement for Negro equality. But their action had precisely the opposite effect. For almost immediately the Negroes of Birmingham came together to form a movement which during the last ten years has transformed life in Birmingham - which has shaken America.

"They could outlaw an organization, but they couldn't outlaw the movement of a people determined to be free," said the Rev. Fred L. Shuttlesworth, president of the new group. And at a mass meeting called by a committee of Negro ministers, the Alabama Christian Movement for Human Rights (ACMHR) was born. Many Negroes in "the Johannesburg of North America" were afraid to join. But many others echoed the sentiments of Mrs. Rosa Walker, one of the first members: "I was frightened, but I figured we needed help to get us more jobs and better education. And we had the man here to help us."

But Christmas night, the night before the protest, the home of Rev. Shuttlesworth was bombed. The bed in which he was sleeping was directly over the spot where the bomb went off. The bed was blown to bits, but he escaped unhurt. Members of the ACMHR say he was saved to lead the movement.

Shuttlesworth took a neighbor who was hurt in the explosion to the hospital. Then he took a bus home - and he rode in front. The bombing strengthened the determination of his followers in the same way.

"On the 25th day of December, that's when they blew up Rev. Shuttlesworth's house," says Mrs. Walker. "And when I went to the meeting the next morning Rev. Shuttlesworth was the first thing I saw. And I knowed as how their house was blowed up, and I couldn't figure out how he was there. And I said then, that I'm going into it. And I went into it on that day."

More than 250 others "went into it" with Mrs. Walker. Twenty-one of them were arrested that day, one the following day. They were convicted and fined, and they then filed suit in federal court, in January, 1957.

The question of desegregating the buses wasn't over until late 1959. At that time, federal court rulings held the police were wrong in arresting Negroes who rode the buses integrated in 1958 and the Milwaukee couple who sat in the railroad station in 1959. But the segregation signs were still up, and by now ACMHR people knew that court rulings only come to life when people put their bodies on the line in a challenge to the old ways.



(14) John F. Kennedy, speech on television (11th June, 1963)

This nation was founded by men of many nations and backgrounds. It was founded on the principle that all men are created equal; and that the rights of every man are diminished when the rights of one man are threatened.

It ought to be possible, therefore, for American students of any color to attend any public institution they select without having to be backed up by troops. It ought to be possible for American consumers of any color to receive equal service in places of public accommodation, such as hotels and restaurants, and theaters and retail stores, without being forced to resort to demonstrations in the street.

And it ought to be possible for American citizens of any color to register and to vote in a free election without interference or fear of reprisal.

It ought to be possible, in short, for every American to enjoy the privileges of being American without regard to his race or his color.

This is not a sectional issue. Difficulties over segregation and discrimination exist in every city, in every state of the Union, producing in many cities a rising tide of discontent that threatens the public safety.

Nor is this a partisan issue. In a time of domestic crisis, men of goodwill and generosity should be able to unite regardless of party or politics.

This is not even a legal or legislative issue alone. It is better to settle these matters in the courts than on the streets, and new laws are needed at every level. But law alone cannot make men see right.

We are confronted primarily with a moral issue. It is as old as the Scriptures and is as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities; whether we are going to treat our fellow Americans as we want to be treated.

If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public; if he cannot send his children to the best public schools available; if he cannot vote for the public officials who represent him; if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place?

Who among us would then be content with the counsels of patience and delay? One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from the bonds of injustice; they are not yet freed from social and economic oppression.

And this nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free.

Now the time has come for this nation to fulfill its promise.

The events in Birmingham and elsewhere have so increased the cries for equality that no city or state or legislative body can prudently choose to ignore them.

The fires of frustration and discord are burning in every city, North and South. Where legal remedies are not at hand, redress is sought in the streets in demonstrations, parades and protests, which create tensions and threaten violence - and threaten lives.

We face, therefore, a moral crisis as a country and a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is a time to act in the Congress, in your state and local legislative body, and, above all, in all of our daily lives.

I am, therefore, asking the Congress to enact legislation giving all Americans the right to be served in facilities which are open to the public - hotels, restaurants and theaters, retail stores and similar establishments. This seems to me to be an elementary right.

I'm also asking Congress to authorize the Federal Government to participate more fully in lawsuits designed to end segregation in public education. We have succeeded in persuading many districts to desegregate voluntarily. Dozens have admitted Negroes without violence.

Other features will also be requested, including greater protection for the right to vote.

But legislation, I repeat, cannot solve this problem alone. It must be solved in the homes of every American in every community across our country.

In this respect, I want to pay tribute to those citizens, North and South, who've been working in their communities to make life better for all.

They are acting not out of a sense of legal duty but out of a sense of human decency. Like our soldiers and sailors in all parts of the world, they are meeting freedom's challenge on the firing line, and I salute them for their honor - their courage.

"Stony the Road We Trod . . ."

Alabama's Role in the Modern Civil Rights Movement
Part Two: Riding the Bus - Taking a Stand / Montgomery,
Alabama

A letter from the Women's Political Council to the Mayor
of Montgomery

Montgomery City Codes

The Montgomery Bus Boycott

The Negroes Most Urgent Needs

MIA Mass Meeting at Holt Street Baptist Church

Resolution of the Citizen's Mass Meeting

Letters to the Editor

Notable Quotes

Browder v Gayle: What Did The Supreme Court Rule?

Integrated Bus Suggestions



Letter of the Montgomery Women's Political Council to Mayor William A. Gayle

May 21, 1954
Honorable W.A. Gayle
City Hall
Montgomery, Alabama

Dear Sir:

The Women's Political Council is very grateful to you and the City Commissioners for the hearing you allowed our representative during the month of March, 1954, when the "city-bus-fare-increase case" was being reviewed. There were several things the Council asked for:

1. A city law that would make it possible for Negroes to sit from back toward front, and whites from front toward back until all the seats were taken.

That Negroes would not be asked or forced to pay fare at front and go to the rear of the bus to enter.

That buses stop at every corner in residential sections occupied by Negroes as they do in communities where whites reside.

We are happy to report that buses have begun stopping at more corners now in sections where Negroes live than previously. However, the same practices in seating and boarding the bus continue.

Mayor Gayle, three-fourths of the riders of these public conveyances are Negroes. If Negroes did not patronize them, they could not possibly operate.

More and more of our people are already arranging with neighbors and friends to ride to keep from being insulted and humiliated by bus drivers.

There has been talk from twenty five or more local organizations of planning a city-wide boycott of buses. We, sir, do not feel that forceful measures are necessary in bargaining for a convenience which is right for all bus passengers. We, the Council, believe that when this matter has been put before you and the Commissioners, that agreeable terms can be met in a quite and in a sensible manner to the satisfaction of all concerned.

Many of our Southern cities in neighbor in states have practiced the policies we seek without incident whatsoever. Atlanta, Macon and Savannah in Georgia have done this for years. Even mobile, in our own state, does this and all the passengers are satisfied.

Please consider this plea, and if possible, act favorably upon it, for even now plans are being made to ride less, or not at all, on our buses. We do not want this.

Respectfully yours,
The Women's Political Council
Jo Ann Robinson, President.

Questions to Consider:

What might have happened if Mayor Gayle had acted favorably to the requests of the Women's Political Council?

What role did women's organizations play in the overall success of the Montgomery Bus Boycott in particular and the Civil Rights Movement in general?

Why did Mayor Gayle ignore the "plea" and threat of a possible boycott by the Women's Political Council?

Alabama Department

Archives & History

Montgomery, Alabama

Source: Code of the City of Montgomery, Alabama

Charlottesville: Michie City Publishing Company, 1952

C.6, § 10

MONTGOMERY CITY CODE

C.6, § 13

Sec. 10. Separation of races—Required.

Every person operating a bus line in the city shall provide equal but separate accommodations for white people and negroes on his buses, by requiring the employees in charge thereof to assign passengers seats on the vehicles under their charge in such manner as to separate the white people from the negroes, where there are both white and Negroes on the same car; provided however, that negro nurses having in charge white children or sick or infirm white persons, may be assigned seats among white people.

Nothing in this section shall be construed as prohibiting the operations of such bus lines from separating the races by means of separate vehicles if they see fit.

(Code 1938, §§ 603, 606.)

Sec. 11. Same—Power of persons in charge of vehicle; passengers to obey directions.

Any employee in charge of a bus operated in the city shall have the powers of a police officer of the city while in actual charge of any bus, for the purpose of carrying out the provisions of the preceding section of carrying out the provisions of the preceding section, and it shall be unlawful for any passenger to refuse or fail to take a seat among those assigned to the race to which he belongs, at the request of any such employee in charge, if there is such a seat vacant.

(Code 1938 § 604.)

Sec. 12. Failure to carry passengers.

It shall be unlawful for any person operating a bus line in the city to refuse, without sufficient excuse, to carry any passenger; provided, that no driver of a bus shall be required to carry any passenger who is intoxicated or disorderly, or who is afflicted with any contagious or infectious disease, or who refuses to pay in advance the fare required, or who for any other reason deemed satisfactory by the recorder should be excluded.

(Code 1938 § 699.)

Montgomery Bus Boycott

From Wikipedia, the free encyclopedia

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[Rosa Parks](#) was arrested for refusing to give up her seat to a white man.

The **Montgomery Bus Boycott** was a political and social [protest](#) campaign started in 1955 in [Montgomery, Alabama](#), intended to oppose the city's policy of [racial segregation](#) on its [public transit](#) system. The ensuing struggle lasted from [December 5, 1955](#), to [December 20, 1956](#), and led to a [United States Supreme Court](#) decision that declared the [Alabama](#) and Montgomery laws requiring segregated buses unconstitutional.

Rosa Parks

[Rosa Parks](#) was a black [seamstress](#) by profession and secretary for the Montgomery chapter of the [NAACP](#). Shortly before her arrest on Thursday, December 1st, 1955, she had completed a course in "Race Relations" at the [Highlander Folk School](#) in Tennessee. The [boycott](#) was triggered by her arrest on Thursday, [December 1, 1955](#) when she was charged for violating [racial segregation](#) laws in Montgomery, [Alabama](#), after refusing to give her seat on a bus to a white man. The full story says that she was sitting in the fifth row (the first row that blacks could occupy), along with three other blacks. Soon, all of the first four rows were filled up, and a white man walked on. Since blacks and whites couldn't be in the same row, the man wanted all of the blacks to move. The other three blacks complied, but Parks refused.

Technically Parks was not asked to give up her seat for a white man. She was sitting in the colored section of the bus, but the white section was full, and a white man was standing. The bus driver demanded that the first row of colored seating be vacated, in effect making it a white row. Three black people vacated their seats; Parks refused. When found guilty the following Monday, [December 5, 1955](#), Parks was fined \$10 plus a court cost of \$4, but she appealed, triggering litigation that would result in the [U. S. Supreme Court](#) striking down Montgomery's segregation on buses as unconstitutional. As a result of her courage, Rosa Parks is considered one of the pioneers of the civil rights movement.

E. D. Nixon, Architect of the Boycott

The [boycott](#) was planned before Rosa Parks' arrest by [E. D. Nixon](#), president of the local [NAACP](#) chapter and a member of the [Brotherhood of Sleeping Car Porters](#). Nixon intended that

her arrest be a test case to allow Montgomery's black citizens to challenge segregation on the city's public buses. With this goal, community leaders had been waiting for the right person to be arrested, a person who would anger the black community into action, who would agree to test the segregation laws in court, and who, most importantly, was "above reproach." When fifteen year old [Claudette Colvin](#) was arrested early in 1955 for refusing to give up her seat, E.D. Nixon thought he had found the perfect person, but the teenager turned out to be pregnant. Nixon later explained, "I had to be sure that I had somebody I could win with." Enter Rosa Parks, who was arrested on Thursday, [December 1, 1955](#), for refusing to give up her bus seat to a white passenger.

Between Parks' arrest and trial, Nixon organized a meeting of local ministers at the church of [Rev. Martin Luther King, Jr.](#) Though Nixon could not attend the meeting due to his work schedule, he arranged that no election of a leader for the proposed boycott would take place until his return. When he returned he caucused with [Ralph Abernathy](#) and Rev. E.N. French to name the association to lead the boycott (they selected the '[Montgomery Improvement Association](#)' ("MIA")), create a list of demands to propose to the city, and select Rev. King (Nixon's choice) to lead the boycott. Nixon wanted King to lead the boycott because the young minister was new to Montgomery and the city fathers had not had time to intimidate him. At a subsequent, larger, meeting of ministers, Nixon's agenda was threatened by the clergymen's reluctance to support the campaign. Nixon was indignant, pointing out that their poor congregants worked to put money into the collection plates so these ministers could live well, and when those congregants needed the clergy to stand up for them, those comfortable ministers refused to do so. Nixon threatened to reveal the ministers' cowardice to the black community, and Rev. King spoke up, denying he was afraid to support the boycott. King agreed to lead the MIA, and Nixon was elected its treasurer.

Execution of the Boycott

On the night of Rosa Parks' arrest, [Jo Ann Robinson](#), head of the [Women's Political Council](#) printed and circulated a flyer throughout Montgomery's Black community which read as follows:

"Another woman has been arrested and thrown in jail because she refused to get up out of her seat on the bus for a white person to sit down. It is the second time since the Claudette Colvin case that a Negro woman has been arrested for the same thing. This has to be stopped. Negroes have rights too, for if Negroes did not ride the buses, they could not operate. Three-fourths of the riders are Negro, yet we are arrested, or have to stand over empty seats. If we do not do something to stop these arrests, they will continue. The next time it may be you, or your daughter, or mother. This woman's case will come up on Monday. We are, therefore, asking every Negro to stay off the buses Monday in protest of the arrest and trial. Don't ride the buses to work, to town, to school, or anywhere on Monday. You can afford to stay out of school for one day if you have no other way to go except by bus. You can also afford to stay out of town for one day. If you work, take a cab, or walk. But please, children and grown-ups, don't ride the bus at all on Monday. Please stay off all buses Monday."^[1]

The next morning at a [church](#) meeting led by the new MIA head, Rev. King, a citywide boycott of public transit was proposed to demand a fixed dividing line for the segregated sections of the buses. Such a line would have meant that if the white section of the bus was oversubscribed, whites would have to stand; blacks would not be forced to remit their seats to whites.

This demand was a compromise the leaders of the boycott believed the city of Montgomery would be more likely to accept rather than a demand for full integration of the buses. In this

respect, the MIA leadership followed the pattern of earlier boycott campaigns in the Deep South during the 1950s. A prime example was the successful boycott of service stations in Mississippi for refusing to provide restrooms for blacks. The organizer of that campaign, [T.R.M. Howard](#) of the [Regional Council of Negro Leadership](#), had spoken in Montgomery as King's guest at the [Dexter Avenue Baptist Church](#) only days before Parks' arrest. This demand was to be supplemented by a requirement that all bus passengers receive courteous treatment by bus operators, be seated on a first-come, first-served basis, and blacks be employed as bus drivers. The proposal was passed, and the boycott was to commence the following Monday. To publicize the impending boycott it was advertised at black churches throughout Montgomery the following Sunday.

On Monday, December 5, 1955, it was evident that black community would support the boycott, as very few blacks rode the buses that day. That night a mass meeting was held to determine if the protest would continue, and attendees enthusiastically agreed. The boycott proved extremely effective, with enough riders lost to the city transit system to cause serious economic distress. Martin Luther King later wrote "[a] miracle had taken place." Instead of riding buses, boycotters organized a system of [carpools](#), with car owners volunteering their vehicles or themselves driving people to various destinations. Some white housewives also drove their black domestic servants to work, although it is unclear to what extent this was based on sympathy with the boycott, versus the simple desire to have their staff present and working.^[2] When the city pressured local insurance companies to stop insuring cars used in the carpools, the boycott leaders arranged policies with [Lloyd's of London](#).

Black [taxi](#) drivers charged ten cents per ride, a fare equal to the cost to ride the bus, in support of the boycott. When word of this reached city officials on [December 8, 1955](#), the order went out to fine any cab driver who charged a rider less than 45 cents. In addition to using private [motor vehicles](#), some people used non-motorized means to get around, such as [cycling](#), walking, or even riding [mules](#) or driving horse-drawn [buggies](#). Some people also raised their thumbs to [hitchhike](#) around. During rush hours, sidewalks were often crowded. As the buses received extremely few, if any, passengers, their officials asked the City Commission to allow stopping service to black communities^[2]. Across the nation, black churches raised money to support the boycott and collected new and slightly used shoes to replace the tattered footwear of Montgomery's black citizens, many of whom walked everywhere rather than ride the buses and submit to [Jim Crow laws](#).

In response, opposing whites swelled the ranks of the [White Citizens' Council](#), the membership of which doubled during the course of the boycott. Like the [Ku Klux Klan](#), the Councils sometimes resorted to violence: Martin Luther King's and Ralph Abernathy's houses were [firebombed](#), as were four black Baptist churches. Boycotters were often physically attacked.

Under a 1921 ordinance, 156 protesters were arrested for "hindering" a bus, including King. He was ordered to pay a \$500 [fine](#) or serve 386 days in [jail](#). He ended up spending 2 weeks in Prison. The move backfired by bringing national attention to the protest. However, King commented on the arrest by saying: "I was proud of my crime. It was the crime of joining my people in a nonviolent protest against injustice." ^[3]

Victory

Pressure increased across the country and on [June 4, 1956](#), the federal district court ruled that Alabama's racial segregation laws for buses were unconstitutional ([Browder v. Gayle](#)). However,

an appeal kept the segregation intact and the boycott continued until, finally, on [November 13, 1956](#), the Supreme Court [upheld](#) the lower court's ruling. This victory led to a city ordinance that allowed black bus passengers to sit virtually anywhere they wanted and the boycott officially ended [December 20, 1956](#). The boycott of the buses had lasted for 381 days. Martin Luther King capped off the victory with a magnanimous speech to encourage acceptance of the decision. The boycott resulted in the [U.S. civil rights movement](#) receiving one of its first victories, and gave Martin Luther King the national attention that would make him one of the prime leaders of the cause.

The Montgomery Bus Boycott

It had happened countless times before. A black person aboard a Montgomery, Alabama, city bus had been ordered by a white bus driver to surrender his or her seat to a white passenger. For the most part, blacks obeyed this order without visible resistance. To behave in any other manner meant violating a city ordinance, resulting in probable arrest and possible violence. But this time was different. A black woman passenger refused to give up her seat and was arrested. This act signaled the beginning of the Montgomery Bus Boycott and the start of the Modern Civil Rights Movement.

The Montgomery Bus Boycott was a 381-day protest by African Americans against segregation on city buses. From December 5, 1955 to December 20 of the next year, blacks in the capital city walked and formed car pools to get to their destinations, rather than ride the segregated vehicles. Their actions demonstrated that they were a determined people, willing to risk personal safety and comfort in order to confront an unjust system. Not only did their actions lead to the destruction of this system; they also led to a challenge of racial discrimination throughout the South.

The dignified, but demure-looking, middle-aged black woman whose arrest sparked the boycott, did not intend to stage a one-woman sit-in on a Montgomery bus. But Rosa Parks' background and character prepared her to do just that. On December 1, 1955, the day of her arrest, she was forty-two years old. She had faced segregation, discrimination, and violence as a black Alabamian. But as a child growing up in Pine Level, Alabama, she had been taught by her maternal grandfather to never accept injustice without protest. One of her most lasting and poignant childhood memories was of sitting up all night with her grandfather as he armed himself to protect his home and family from the Ku Klux Klan.

Parks carried this example of resistance to racism with her when she moved to Montgomery years later. She joined the local branch of the National Association for the Advancement of Colored People (NAACP). The NAACP was a national civil rights organization whose goal was to achieve blacks' full civil rights. For several years Parks served as the branch's secretary, where she worked closely with branch president, E. D. Nixon. Nixon was likely the most militant African American in Montgomery. Not only was he president of the local NAACP; he was also the head of the local affiliate of the Brotherhood of Sleeping Car Porters. As leader of both groups, Nixon led black Montgomeries in an attack of various forms of racial inequities. Parks was emboldened in her conviction that blacks should resist unfair treatment by Nixon's

willingness to confront segregation, racial discrimination and anti-black violence in Montgomery.

A Montgomery racial situation which disturbed Rosa Parks, E. D. Nixon, and other blacks in the city, concerned separate seating on city buses. Parks' job as a seamstress at the downtown Montgomery Fair Store, required that she ride the bus on a regular basis. But she never accepted segregated conditions imposed upon blacks who rode the buses. Montgomery's segregationist ordinance and established practice in the city required that blacks sit in the last ten rows of seats on the bus and that whites sit in the first ten rows. A reserved section of sixteen rows of seats was also available for black passengers, but if a white passenger was without a seat, blacks had to remove themselves from this section.

The law also called for blacks to pay their fare at the front of the bus but to board the vehicle from the rear. White bus drivers often pulled from a bus stop before a black passenger could board from the back door. At other times, drivers drove off as blacks boarded the bus, leaving them caught in the back doorway. But even worse was the insulting treatment African Americans received from white drivers; they were frequently cursed and called names. Protest of this kind of treatment could result in violence, as it did for a black soldier who was killed by a bus driver in the early 1950's. Parks herself had been thrown off a city bus in 1943 in a dispute with a white bus driver.

Initiating a protest against these conditions was not on Parks' mind as she stepped aboard a municipal bus on Thursday, December 1, 1955. She had finished her day's work at the Montgomery Fair Store and had boarded the Cleveland Avenue bus as she headed to her home in Cleveland Court. Because the bus was crowded she sat in the middle section. At the third stop, at the Empire Theater, a white male patron boarded the bus and was left standing. The "Mother of the Civil Rights Movement" later affirmed that her decision to remain seated was not based on physical fatigue. Parks maintained that her action was the result of long years of anger and frustration over the treatment blacks received under Montgomery's segregationist laws and customs. She was simply tired of blacks being pushed around.

Parks' arrest set in motion long years of planning for such an event by the local civil rights organizations and civic groups. The Women's Political Council, a civic group composed of black women professionals, had considered a boycott of the city's buses before Parks' arrest. What the Council and black leaders like E. D. Nixon needed was a black passenger whose arrest would engender a city-wide boycott of Montgomery's buses. Parks' image in the black community and her convictions regarding racial injustice made her a person upon whom they believed they could base their protest.

On the evening of Parks' arrest, Jo Ann Robinson, head of the Council and Professor of English at Alabama State College, a local black institution, duplicated thousands of copies of flyers announcing a one-day boycott, scheduled for the following Monday, December 5. The flyer urged blacks to "stay off all buses Monday." Instead, they were to walk "to work, to town, [and to] school." Black ministers agreed to announce the boycott to their congregations that Sunday. Announcement of the boycott also appeared in the Montgomery *Advertiser* on Sunday. Through these methods, nearly all in the black community were made aware of the protest plans.

Despite years of planning, local leaders were uncertain of the outcome of the one-day boycott. They were ecstatic when they observed Monday morning that the boycott was almost a total success. That afternoon they formed an organization to spearhead the movement, the Montgomery Improvement Association (MIA). A twenty-five-year-old black minister, Martin Luther King Jr., pastor of the Dexter Avenue Baptist Church, was selected as the organization's president. King was chosen by the group because he was an intelligent, young black man (he had received his Ph.D. from Boston University), and because his position as a newcomer to the city (arriving just the year before) meant he had not yet formed personal enemies who might also become enemies of the boycott.

Meanwhile, a mass meeting of blacks in the city was scheduled for that evening at Holt Street Baptist Church. Thousands gathered at the church for the purpose of determining the future course of the protest. King and the boycott's co-leader, black minister Ralph D. Abernathy (the pastor of First Baptist Church), set the tone of the meeting. They called upon blacks to continue the protest and made three demands of the white bus company and city officials. They were for "(1) Courteous treatment on the buses; (2) First-come, first-served seating, with whites in the front and blacks in the back; (3) Hiring of black drivers for the black bus routes." Blacks in attendance vowed to support a continued boycott and the list of demands.

For over a year black Montgomerians carried out their pledge. As they had been urged, they walked to their jobs, homes, and to stores. The MIA initially used black taxi cabs to transport others to their destinations. Later, when city officials forbade this practice, the MIA organized an intricate system of car pools. It established pick-up and drop-off points throughout the black community, using church station wagons. The system enabled blacks to carry out their obligations without being forced to return to city buses.

Meanwhile, white authorities refused to accept the MIA's demands. The organization then decided to use local black attorney, Fred Gray, to initiate a suit against the city's segregationist statute, charging that it violated the constitutional rights of blacks. Opposition by white authorities to the boycott was not limited to their refusal to accede to the demands of the boycotters. They ordered an arrest of the boycott's leaders based on a city law which prohibited boycotts without a legal basis. When this tactic proved unsuccessful, local whites attempted to squash the movement through intimidation and violence. In late January of 1956 the home of King was bombed and other boycott leaders received violent threats.

Blacks' capacity to endure daily discomfort and physical threats was in many ways the result of the leadership of King. King articulated a philosophy that became the calling card of the boycott and later the Modern Civil Rights Movement. Based on the teachings of Jesus Christ and Mahatma Ghandi, this philosophy is labeled non-violent passive resistance. It urged blacks to resist their enemies through love rather than hate and retaliation. This kind of behavior would eventually shame Southern racists into acceptance of the blacks' civil rights. Most black Montgomerians accepted King's nonviolent philosophy and this was in part responsible for the success of their protest.

Another reason for the success of the Montgomery Bus Boycott was the involvement of the entire black community in the effort. Black working class individuals, who were the bus

company's principal patrons, bore the brunt of the boycott. But all socio-economic segments of the African-American community came together to agitate against segregated city buses. Their vigilance in the struggle for their legal rights was rewarded November 13, 1956, when the United States Supreme Court upheld a federal district court decision affirming that segregation on city buses was unconstitutional. Blacks chose to maintain the boycott until the court's official documents were received. That took place on December 20. The next day they returned, but this time to integrated buses, ending one of the most significant eras in American history and the beginning of another.



NEGROES MOST URGENT NEEDS

FOLLOWING ARE A FEW OF THE MOST URGENT NEEDS OF OUR PEOPLE. IMMEDIATE ATTENTION SHOULD BE GIVEN EACH OF THESE. WHAT IS YOUR STAND TOWARD THEM?

1. The Present Bus Situation. Negroes have to stand over empty seats of city buses, because the first ten seats are reserved for whites who sometimes never ride. We wish to fill the bus from the back toward the front until all seats are taken. This is done in Atlanta, Georgia, Mobile, Alabama and in most of our larger southern cities.
2. Negro representation on the Parks and Recreation Board. Our parks are in a deplorable condition, We have protested, yet nothing has been toward improving them. Juvenile delinquency continues to increase. In many instances these children are not responsible. The city is. Nobody knows better than Negroes what their needs are.
3. Sub-division for housing. Just recently a project for a subdivision for Negroes was presented before the City Commission for approval. Protest from whites and other objections prevented the development. There is no section wherein Negroes can expand to build decent homes. What of Lincoln Heights?

Jobs for qualified Negroes. Certain civil service jobs are not open to Negroes, yet many Negroes are qualified. Negroes need jobs commensurate with their training. Everybody cannot teach.

Negro representation on all boards affecting Negroes. Negroes are taxpayers; they are property owners or renters. They constitute about forty percent of the city's population. Many boards determine their destinies without any kind of representation whatsoever. Only Negroes are qualified to represent themselves adequately and properly.

Congested areas, with inadequate or no fireplugs. Fire hazards are inviting.

Lack of sewage disposal makes it necessary to resort to out-door privies, which is a health hazard.

Narrow streets, lack of curbing, unpaved streets in some sections. Immediate action should be taken on this traffic hazard.

Gentlemen, what is your stand on these issues? What will you do to improve these undemocratic practices? Your stand on these issues will enable us to better decide on whom we shall cast our ballot in the March election.

Very Truly yours,
Montgomery Negroes

Source: Inez Baskin Papers, Alabama Department of Archives and History, Montgomery, Alabama.

This is for Monday, December 5, 1955

Another Negro woman has been arrested and thrown in jail because she refused to get up out of her seat on the bus for a white person to sit down.

It is the second time since the Claudette Colbert case that a Negro woman has been arrested for the same thing. This has to be stopped.

Negroes have rights, too, for if Negroes did ride the buses, they could not operate. Three-fourths of the riders are Negroes, yet we are arrested, or have to stand over empty seats. If we do not do something to stop these arrests, they will continue. The next time it may be you, or your daughter, or mother.

This woman's case will come up on Monday. We are, therefore asking every Negro to stay off the buses Monday in protest of the arrest and trial. Don't ride the buses to work, to town, to school, or anywhere on Monday.

You can afford to stay out of school for one day, if you have no other way to go except by bus.

You can also afford to stay out of town for one day. If you work, take a cab, or walk. But please, children and grown-ups, don't ride the bus at all on Monday. Please stay off of all buses.

MIA Mass Meeting at Holt Street Baptist Church:

December 5, 1955. Montgomery, Ala.

My friends, we are certainly very happy to see each of you out this evening. We are here this evening for serious business. [*Audience:*] (*Yes*) We are here in a general sense because first and foremost we are American citizens, (*That's right*) and we are determined to apply our citizenship to the fullness of its meaning. (*Yeah. That's right*) We are here also because of our love for democracy, (*Yes*) and because of our deep-seated belief that democracy transformed from thin paper to thick action (*Yes*) is the greatest form of government on earth. (*That's right*)

But we are here in a specific sense because of the bus situation in Montgomery. (*Yes*) We are here because we are determined to get the situation corrected. This situation is not at all new. The problem has existed over endless years. (*That's right*) For many years now, Negroes in Montgomery and so many other areas have been inflicted with the paralysis of crippling fears (*Yes*) on buses in our community. (*That's right*) On so many occasions, Negroes have been intimidated and humiliated and oppressed because of the sheer fact that they were Negroes. (*That's right*) I don't have time this evening to go into the history of these numerous cases. Many of them now are lost in the thick fog of obliion, (*Yes*) but at least one stands before us now with glaring dimensions. (*All right*)

Just the other day, just last Thursday to be exact, one of the finest citizens in Montgomery (*Amen*)—not one of the finest Negro citizens, (*That's right*) but one of the finest citizens in Montgomery—was taken from a bus (*Yes*) and carried to jail and arrested (*Yes*) because she refused to get up to give her seat to a white person. (*Well. That's right*) Now the press would have us believe that she refused to leave a reserved section for Negroes, (*Yes*) but I want you to know this evening that there is no reserved section. (*All right*) The law has never been clarified at that point. (*Hell no*) Now I think I speak with legal authority—not that I have any legal authority, but I think I speak with legal authority behind me (*All right*)—that the law, the ordinance, the city ordinance has never been totally clarified. (*That's right*)

Mrs. Rosa Parks is a fine person. (*Well. Well said*) And since it had to happen I'm happy that it happened to a person like Mrs. Parks, (*Yes*) for nobody can doubt the boundless outreach of her integrity. (*Sure enough*) Nobody can doubt the height of her character. (*Yes*) Nobody can doubt the depth of her Christian commitment and devotion to the teachings of Jesus. (*All right*) And I'm happy, since it had to happen, it happened to a person that nobody can call a disturbing factor in the community. (*All right*) Mrs. Parks is a fine Christian person, unassuming, and yet there is integrity and character there. And just because she refused to get up, she was arrested.

You know, my friends, there comes a time when people get tired of being trampled over by the iron feet of oppression. [*Sustained applause*] There comes a time, my friends, when people get tired of being plunged across the abyss of humiliation, where they'd experienced the bleakness of nagging despair. (*Keep talking*) There comes a time when people get tired of being pushed out of the glittering sunlight of life's July and left standing amid the piercing chill of an alpine November. [*Applause*] There comes a time. [*Applause continues*] (*Yes, sir. Speak*)

And we are here, we are here this evening because we are tired now. (Yes) [Applause] And I want to say that we are not here advocating violence. (No) We have never done that. (Repeat that. Repeat that) [Applause] I want it to be known throughout Montgomery and throughout this nation (Well) that we are Christian people. (Yes) [Applause] We believe in the Christian religion. (Yes) We believe in the teachings of Jesus. (Well) The only weapon that we have in our hands this evening is the weapon of protest. (Yes) [Applause] That's all.

And certainly, certainly, this is the glory of America, with all of its faults. (Yeah) This is the glory of our democracy. If we were incarcerated behind the iron curtains of a Communistic nation, we couldn't do this. (Well. All right) If we were dropped in the dungeon of a totalitarian regime, we couldn't do this. (All right) But the great glory of American democracy is the right to protest for right. (That's right) [Applause]

My friends, don't let anybody make us feel that we are to be compared in our actions with the Ku Klux Klan or with the White Citizens Council. [Applause] There will be no crosses burned at any bus stops in Montgomery. (Well. That's right) There will be no white persons pulled out of their homes and taken out on some distant road and lynched for not cooperating. [Applause] There will be nobody among us who will stand up and defy the Constitution of this nation. [Applause] We only assemble here because of our desire to see right exist. [Applause]

My friends, I want it to be known that we're going to work with grim and bold determination to gain justice on the buses in this city. [Applause] And we are not wrong; we are not wrong in what we are doing. (Well) If we are wrong, the Supreme Court of this nation is wrong. (Yes, sir) [Applause] If we are wrong, the Constitution of the United States is wrong. (Yes) [Applause] If we are wrong, God Almighty is wrong. (That's right) [Applause] If we are wrong, Jesus of Nazareth was merely a utopian dreamer that never came down to Earth. (Yes) [Applause] If we are wrong, justice is a lie, (Yes) love has no meaning. [Applause] And we are determined here in Montgomery to work and fight until justice runs down like water, (Yes) and righteousness like a mighty stream. [Applause]

I want to say that in all of our actions, we must stick together. (That's right) [Applause] Unity is the great need of the hour, (Well. That's right) and if we are united we can get many of the things that we not only desire but which we justly deserve. (Yeah) And don't let anybody frighten you. (Yeah) We are not afraid of what we are doing, (Oh no) because we are doing it within the law. (All right) And there is never a time in our American democracy that we must ever think we are wrong when we protest. (All right) We reserve that right. When labor all over this nation came to see that it would be trampled over by capitalistic powers, it was nothing wrong with labor getting together and organizing and protesting for its rights. (That's right) We, the disinherited of this land, we who have been oppressed so long, are tired of going through the long night of captivity. And now we are reaching out for the daybreak of freedom and justice and equality. [Applause]

May I say to you, my friends, as I come to a close, and just giving some idea of why we are assembled here, that we must keep—and I want to stress this, in all of our doings, in all of our deliberations here this evening and all of the week and while—whatever we do, we must keep God in the forefront. (Well. All right) Let us be Christian in all of our

actions. (*All right*) But I want to tell you this evening that it is not enough for us to talk about love. Love is one of the pivotal points of the Christian faith, but there is another side called justice. And justice is really love in calculation. (*All right*) Justice is love correcting that which revolts against love. (*Well*)

The Almighty God himself is not the God just standing out saying through Hosea, "I love you, Israel." He's also the God that stands up before the nations and says: "Be still and know that I'm God, (*Yeah*) that if you don't obey me I will break the backbone of your power (*Yeah*) and slap you out of the orbits of your international and national relationships." (*That's right*) Standing beside love is always justice, (*Yeah*) and we are only using the tools of justice. Not only are we using the tools of persuasion, but we've come to see that we've got to use the tools of coercion. Not only is this thing a process of education, but it is also a process of legislation. (*Yeah*) [*Applause*]

And as we stand and sit here this evening and as we prepare ourselves for what lies ahead, let us go out with a grim and bold determination that we are going to stick together. (*Yeah*) [*Applause*] We are going to work together. (*Yeah*) [*Applause*] Right here in Montgomery, when the history books are written in the future, (*Yes*) somebody will have to say, "There lived a race of people (*Well*), a *black* people, (*Yes, sir*) 'fleecy locks and black complexion,' (*Yes*) but a people who had the moral courage to stand up for their rights. [*Applause*] And thereby they injected a new meaning into the veins of history and of civilization." And we're going to do that. God grant that we will do it before it is too late. (*Oh yeah*) As we proceed with our program, let us think of these things. (*Yes*) [*Applause*]

Resolution of the Citizens' Mass Meeting

December 5, 1955

The official business of the December 5 mass meeting at Holt Street Baptist Church was the approval of a series of resolutions relating to the continuation of the bus boycott. Their text was carried in the December 13, 1955, issue of the Birmingham World, the major regional black weekly newspaper.

WHEREAS, there are thousands of Negroes in the city and county of Montgomery who ride busses owned and operated by the Montgomery City Lines, Incorporated, and

WHEREAS, said citizens have been riding busses owned and operated by said company over a number of years, and

WHEREAS, said citizens, over a number of years, and on many occasions have been insulted, embarrassed and have been made to suffer great fear of bodily harm by drivers of busses owned and operated by said bus company, and

WHEREAS, the drivers of said busses have never requested a white passenger riding on any of its busses to relinquish his seat and stand so that a Negro may take his seat; however, said drivers have on many occasions too numerous to mention requested Negro passengers on said busses to relinquish their seats and stand so that white passengers may take their seats, and

WHEREAS, said citizens of Montgomery city and county pay their fares just as all other persons who are passengers on said busses, and are entitled to fair and equal treatment, and

WHEREAS, there has been any number of arrests of Negroes caused by drivers of said busses and they are constantly put in jail for refusing to give white passengers their seats and stand.

WHEREAS, in March of 1955, a committee of citizens did have a conference with one of the officials of said bus line; at which time said official arranged a meeting between attorneys representing the Negro citizens of this city and attorneys representing the Montgomery City Lines, Incorporated and the city of Montgomery, and

WHEREAS, the official of the bus line promised that as a result of the meeting between said attorneys, he would issue a statement of policy clarifying the law with reference to the seating of Negro passengers on the bus, and

WHEREAS, said attorneys did have a meeting and did discuss the matter of clarifying the law, however, the official said bus lines did not make public statements as to its policy with reference to the seating of passengers on its busses, and

WHEREAS, since that time, at least two ladies have been arrested for an alleged violation of the city segregation law with reference to bus travel, and

WHEREAS, said citizens of Montgomery city and county believe that they have been grossly mistreated as passengers on the busses owned and operated by said bus company in spite of the fact that they are in the majority with reference to the number of passengers riding on said busses.

Be It Resolved As Follows:

1. That the citizens of Montgomery are requesting that every citizen in Montgomery, regardless of race, color or creed, to refrain from riding busses owned and operated in the city of Montgomery by the Montgomery City Lines, Incorporated until some arrangement has been worked out between said citizens and the Montgomery City Lines, Incorporated.

That every person owning or who has access to automobiles use their automobiles in assisting other persons to get to work without charge.

That the employers of persons whose employees live a . . . distance from them, as much as possible afford transportation to your own employees.

That the Negro citizens of Montgomery are ready and willing to send a delegation of citizens to the Montgomery City Lines to discuss their grievances and to work out a solution for the same.

Be it further resolved that we have not, are not, and have no intentions of using an unlawful means or any intimidation to persuade persons not to ride the Montgomery City Lines' busses.

This Article Taken From
The Montgomery Advertiser
Montgomery, Ala., Saturday Morning, January 4, 1956 Edition

Tell It to Old Grandma

Your name and address must be given on letter * But upon request, name will often be withheld at Editor's discretion * We reserve the right to shorten letters * No poetry please * Repeat: No letter will be printed unless Editor knows who wrote it.

Overbearing Bus Drivers

Editor. The Advertiser:

As the magnificent and successful bus boycott continues I would like to make it a matter of record that there are white bus riders in Montgomery who are honoring the request of our colored friends by refraining from patronizing the City Lines in an effort to express our sympathy.

The plaintive plea of Mayor Gayle calling for public support of bus service has a futile and hollow ring, coming from a man who has callously ignored the appeals of delegations who have called upon him repeatedly in the past for redress. Someone should scrawl across his office wall, "It is later than you think."

The demands of the Negro populace are extremely moderate and within the law. I challenge any legal light in the state to show how these modest requests are outside of the law, though city hall politicians, City Lines counsel, and curbstome lawyers continue in prattle about the sacrosanct inviolateness of state statutes.

Man and boy I have ridden street cars and buses in Montgomery for over 40 years. Seamy and sordid have been the scenes I have witnessed. The charges brought by the Negro protestants in their paid advertisement of Dec. 25, are confirmed by personal observation many times over. Has the bus company ever conducted a training program among its drivers stressing courtesy and consideration to its customers?

There are bus drivers who are courteous to both races, but has any effort been made to weed out the belligerent, overbearing and profane drivers who have caused most of the trouble? Would any responsible businessman permit his employee to insult his customers in such ways and expect to remain in business? Are our city fathers less aware of their responsibility than the leaders of Mobile and Houston, Texas? Are our newspaper less capable of keeping citizens abreast of the changing times than the publications of those two cities? Are those of us who sympathize too timid to make our views known? There is ample blame to share among all of us.

Answering the mayor's appeal to save the franchise by patronizing the bus lines, here is one white ex-bus rider who would like to declare that as long as the bus boycott is on, it will be a dreary, rainy day, when I have a sprained ankle, and less than 45c Cab fare, before I board one of those yellow rolling cell blocks again.

Montgomery.

WILL T. SHEEHAN.

This Article Taken From
The Montgomery Advertiser
Montgomery, Ala., Saturday Morning, February 11, 1956 Edition

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Negroes Are Not Asking Race Mixing On Buses

EDITOR, THE ADVERTISER – Your editorial. Jan. 11, "Two Questions Arise," was perfectly devastating. More power to you.

But what I want to know, Why all this fuss about integration in the schools? I am talking about Alabama. Who wants it? Certainly the white people do not want it. No doubt there is a considerable number who would not object to it but no one would say that they would ever make any trouble about it. And we are told by our state superintendent of education, who is in a position to have a good judgment of the situation that 95% of the colored people do not want it.

The demand of the boycott in Montgomery sustains his judgment, since they are not asking the integration on the buses but only for a fair deal.

And yet our legislators are going up the hill and down again trying to find some measure that will destroy our public school system. Surely the few persons among that 5% who may make trouble here or there in our centers of population can be handled without the awful tragedy of destroying our system of education. Surely those who advocate such measures have never studied the history of public education in the United States to learn the long hard struggle to get this precious agency established for the preservation of our democracy.

We are just plain scared and when people get frightened they do many irrational things like the man who, when his house caught fire, rushed up stairs, threw the looking glass out of the window and carried the feather bed down stairs.

Let us get down to brass tacks! What the colored people really want are at least four rights to which are citizens are entitled.

¶ They want justice in the courts.

¶ They want health, sanitation which would reduce the mortality among both white and colored.

¶ Of course they want education but they would be satisfied if their schools were as good as the schools for whites.

¶ They want equal economic opportunity.

Enlightened self interest should give these rights to them

WALTER D. AGNEW.

Greensboro, Ala.

¶ Dr. Agnew retired after a long term as president of Huntingdon College. He is a Methodist minister.—ED.

This Preview Taken From
The Book "Declaration of Segregation"
Will Appear April, 1956.
If this appeals to you be sure to read the book

Montgomery Advertiser - February 11, 1956

Preview of the 'Declaration of Segregation'

When in the course of human events it becomes necessary to abolish the Negro race, proper methods should be used. Among these are guns, bows and arrows, sling shots and knives.

We hold these truths to be self evident that all whites are created equal with certain human rights; among these are life, liberty and the pursuit of niggers.

In every stage of the bus boycott we have been oppressed and degraded because of black, slimy, juicy, unbearably stinking niggers. The conduct should not be dwelt upon because of dead niggers. The conduct should not be dwelt upon because behind them they have an ancestral background of Pigmies, head hunters and snot snot suckers.

My friends it is time we wised up to these black devils. I tell you they are a group of two legged agitators who persist in walking up and down our streets protruding their black lips. If we don't stop helping these African flesh eaters, we will soon wake up and find Rev. King in the White House. LET'S GET ON THE BALL WHITE CITIZENS

This Article Taken From
The Montgomery Advertiser
Montgomery, Ala., Saturday Morning, January 4, 1956 Edition

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Why Is It a Sin to Ride The Bus?

EDITOR. THE ADVERTISER—Can you help some of us cooks? The folks tell us that they passed a law against colored folks riding the bus.

I don't have enough money to ride the taxicabs. Last week it took \$3.20 for taxicabs. The bus company has been mighty nice to me and so has our bus driver. He helps the old white folks and the old colored folks and is nice to all alike. I wanted to ride the bus and the bus driver said I could, but some folks told me I would get myself in trouble.

Mr. Advertiser, can you please help us, so we can ride the bus. The preacher at our church told us not to ride—maybe a year or more, and that it would be a sin, but I don't see how it is a sin for colored folks to ride a bus.

The bus is more convenient for us. I get to my job late every morning since the boycott. The white lady I been working for is mighty nice to me and I want to stay on, but this boycott is hurting a lot for us colored folks. Please help us if you can and tell the mayor we want to ride the bus like we been doing all the time.

JULIE SEALE HARRIS.

Montgomery

**This Article Taken From
The Montgomery Advertiser
Montgomery, Ala., Saturday Morning, February 11, 1956 Edition**

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Negroes, Look Around You

Editor. The Advertiser

The White people of Montgomery are typical of the other white people of America, slow to anger and slow to make up their minds. But once they do they have always come out victorious.

The bus fare has already been raised 50%. Should you continue the bus boycott six months the loss would be repaid in 18 months and you will keep on paying and paying as long as you live. So what have you gained?

Where is your appreciation, your sense of duty? Look around your home. Who furnished the know how to build and fill them? Who furnished the "know how" to prepare your foods and medicines, give you electricity, make your clothes, design and build your cars and every other convenience you so richly enjoy, that goes with civilization. Now what have you done for yourself?

You are indebted to the white people of Montgomery for life itself. As the white doctor brought most of you into the world. The white man paid about 95 percent for your education, furnished you jobs and a place to live, etc. Now suppose the white people of Montgomery would not hire you any longer or give you a place to live where would you go or do?

HILL LINDSAY

Georgiana, Ala.

Notable Quotes: The Montgomery Bus Boycott

"There comes a time when people get tired . . . tired of being segregated and humiliated, tired of being kicked about by the brutal feet of oppression. We have no alternative but to protest."

Dr. Martin Luther King, Jr.

"Negroes have rights, too, for if Negroes did not ride the buses, they would not operate. Three-fourths of the riders are Negroes, yet we are arrested, or have to stand over empty seats. If we do not do something to stop these arrests, they will continue. The next time it may be you, or your daughter, or mother."

Mrs. Jo Ann Robinson, Women's Political Council

"During the rush hours the sidewalks were crowded with laborers and domestic workers, many of them well past middle age, trudging patiently to their jobs and home again, sometimes as much as twelve miles. They knew why they walked, and the knowledge was evident in the way they carried themselves. And as I watched them I knew that there is nothing more majestic than the determined courage of individuals willing to suffer and sacrifice for their freedom and dignity."

Dr. Martin Luther King, Jr.

". . . I discovered that there wasn't a single spot in Montgomery a man could walk to work if he really wanted to. I said it ain't no reason in the world why we should lose the boycott because people couldn't get to work."

Mr. E.D. Nixon, Civic Leader and President of the Montgomery Branch NAACP

"Let me tell you gentlemen one thing. You ministers have lived off of these washwomen for the last 100 years and never done anything for them. Now you have a chance to pay them back for some of the things they've done for you. If this program isn't accepted and brought out into the open tonight (and there will be over 1000 people at that church), I'll take the microphone and tell the people that the reason we don't have a program is because you are all too cowardly to stand on your feet and be counted We ought to be men enough to stand on our feet and be counted or admit to ourselves that we are a bunch of scared boys."

Mr. E.D. Nixon, Civic Leader and President of the Montgomery Branch NAACP

"I think December 5th is an important date for all of us in the U.S. to remember. The bus protest carried out by the colored people of Montgomery, Alabama, without violence, has been the most remarkable achievement of people fighting for their own rights but doing so without bloodshed and with the most remarkable restraint and discipline, that we have ever witnessed in this country. It is something all of us should be extremely proud of for its achievement by Americans which has rarely before been seen."

Mrs. Eleanor Roosevelt

"My feet is weary but my soul is rested."

Mother Pollard

**Desegregation of Public Transportation
The Montgomery Improvement Association
And
The Montgomery Bus Boycott Case**

Browder v. Gayle 142 F. Supp. 707 June 5, 1956

CASE HISTORY: Plaintiffs brought this action, seeking a declaratory judgment that Alabama state statutes and ordinances of the City of Montgomery providing for and enforcing racial segregation on “privately” operated buses abridged the privileges and immunities of plaintiffs and denied them equal protection of the laws under the Fourteenth Amendment and the rights guaranteed them by Sections 1981 and 1983 of the Civil Rights Act. The case came before a three judge court under the authority of 28 U.S.C., § 2281, and 28 U.S.C., §§ 1331 and 1343 (Federal question; jurisdiction of three judge district courts: A three judge district court is required under § 2281 for the granting of an interlocutory, or permanent injunction restraining the enforcement of a state statute by restraining the action of a state officer, such as an official of the Alabama Public Service Commission. The court held that given the admission of city officials that they were enforcing state statutes, a three judge court had jurisdiction over the case. See 142 F. Supp. At 713).

Circumstances Surrounding the case: On December 1, 1955, Rosa Parks boarded a city bus operated by the City of Montgomery, Alabama, and took a seat in the second row of seats. The bus filled, and when white passengers subsequently boarded, the driver asked her to give up her seat. She remained seated, and the driver summoned police, who arrested Ms. Parks. Her arrest captured the interest of black community leaders, who called on a twenty-six year old pastor – Dr. Martin Luther King, Jr. – to suggest appropriate action. The decision was made to boycott the buses, and shortly thereafter, the group formed the Montgomery Improvement Association. During January of 1956, this group attempted, without success, to negotiate with the city commission and bus company officials a plan for the desegregation of city buses; despite the efforts of black leaders, and sympathetic white citizens, white resistance increased, and in late January, a stick of dynamite was thrown into Dr. King’s home, causing an explosion and serious damage. On February 1, Fred Gray, a young, black Montgomery attorney, filed this civil action. (See J. Bass, “Unlikely Heroes,” Chapter 3). **Please note that although the arrest of Rosa Parks sparked the bus boycott, she was not a plaintiff in the case.**

FACTS: The Browder case was brought by a group of plaintiffs who had been required at one time or another, to comply with state and city laws requiring separate accommodations for white and “colored” passengers on any commercial vehicle operated by any motor transportation company within the state of Alabama and the City of Montgomery. Plaintiffs had either complied with such laws and directives, or had been arrested and fined for noncompliance. They indicated their intent to resume use of buses operated by the Montgomery City Lines, Inc., if they could do so “on a non-segregated basis without fear of arrest.” The bus company alleged that the segregation of the races on “privately” owned buses operating within the City of Montgomery, was valid pursuant to state law and City ordinance.

ISSUE: Whether the statutes and ordinances requiring the segregation of “the white and colored races” on allegedly private motor buses operated by the Montgomery City Lines, Inc., violate the Fourteenth Amendment to the United States Constitution.

HELD: The statutes and ordinances in question, which require the racial segregation of passengers on the buses of a common carrier in the City of Montgomery, violate the due process and equal protection clauses of the Fourteenth Amendment.

THE COURT’S REASONING: The Court recognized that people may associate in their private affairs without implicating the Fourteenth Amendment, but stated that “there is... a “constitutional difference between voluntary adherence to custom and the perpetuation of that custom by law.” On the issue separate accommodations, the Supreme Court had already ruled, in 1948, in *Morgan v. Virginia*, 328 U.S. 373, that a state statute requiring segregated seating for “Negro” passengers on interstate buses unconstitutionally burdened interstate commerce; and in 1950, in *Henderson v. United States*, similarly held that the assignment of a separate railroad dining car for “Negro” passengers violated the Interstate Commerce Act, citing cases construing the Fourteenth Amendment. And, in *Brown v. Board of Education*, the Court had formally repudiated the “separate but equal” doctrine of *Plessy v. Ferguson*. On the same day, in *Muir v. Louisville Park Theatrical Association*, the Court announced that its decision in *Brown* was not limited to the field of public education. The three judge court held that the Supreme Court’s implicit overruling of *Plessy*, and its repudiation of the “separate but equal” principle could only mean that no rational basis exists for the application of the separate but equal principle to common carrier transportation within the City of Montgomery. By footnote, the court observed that “when a lower court perceives a new doctrinal trend in Supreme Court decisions, it is its duty, cautiously to be sure, to follow and not to resist it.”(See 142 F. Supp. at 716, n.14).

LYNNE, J., DISSENTING: Judge Lynne dissented, arguing that the court had overstepped its bounds in assuming that *Plessy* had been over-ruled by *Brown*, and reasoned that *Plessy* was still good law in the area of intrastate transportation. He suggests that the Court’s decisions on interstate commerce questions do not control Fourteenth Amendment questions; and he argues, while Congress has the power to enforce the Fourteenth Amendment by legislation prohibiting racial segregation in intrastate transportation under the authority of state statute, Congress has not chosen to explicitly do so. In the end, Judge Lynne writes that he would dismiss the plaintiff’s complaint on the authority of *Plessy v. Ferguson*.

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

AURELIA S. BROWDER, and SUSIE McDONALD and CLAUDETTE COLVIN, by Q. P. Colvin, next friend and MARY LOUISE SMITH, by Frank Smith, next friend, and others similarly situated,

Plaintiffs,

vs.

W. A. GAYLE, CLYDE SELLERS and FRANK PARKS, individually and as members of the Board of Commissioners of the City of Montgomery, Alabama, and GOODWYN J. RUPPENTHAL, individually and as Chief of Police of the City of Montgomery Alabama, and THE MONTGOMERY CITY LINES, INC., a corporation, and JAMES F. BLAKE, and ROBERT CLEERE, and C. C (JACK) OWEN, JIMMY HITCHCOCK, and SIBYL POOL, as members of the ALABAMA PUBLIC SERVICE COMMISSION,

Defendants.

No. 1147

JUDGMENT

This cause came on to be heard before three-judge court duly convened pursuant to the provisions of Title 28, United States Code, Sections 2281 and 2284.

After trial on the merits and careful consideration of the evidence therein adduced and after oral arguments and submission of briefs by all parties, the Court, being fully advised in the premises, found in an opinion handed down on June 5, 1956, that the enforced segregation of Negro and white passengers on motor buses operating in the City of Montgomery as required by Section 301 (31a, 31b and 31c) of Title 48, Code of Alabama, 1940, as amended, and Sections 10 and 11 of Chapter 6 of the Code of the City of Montgomery, 1952, violates the Constitution and laws of the United States.

Now in accordance with that opinion, it is Ordered, Adjudged and Decreed that Section 301 (31a, 31b and 31c) of Title 48, Code of Alabama, 1940, as amended, and Sections, 10 and 11 of Chapter 6 of the Code of the City of Montgomery, 1952, are unconstitutional and void in that they deny and deprive plaintiffs and other Negro citizens similarly situated of the equal protection of the laws and due process of law secured by the Fourteenth Amendment to the Constitution of the United States and rights and privileges secured by Title 42, United States Code, Sections 1981 and 1983.

It is further Ordered, Adjudged and Decreed that the defendants, their successors in office, assigns, agents, servants, employees, and persons acting on their behalf, be and they are hereby permanently enjoined and restrained from enforcing the aforesaid statutes and ordinances or any

other statutes or ordinances which may require plaintiffs or any other Negroes similarly situated to submit to segregation in the bus transportation facilities in the City of Montgomery, from doing any acts or taking any action to require the Montgomery Bus Lines, Inc., or its drivers, or any, other public bus transportation facility, or its drivers, to enforce such statutes or ordinances requiring the segregation of white and Negro passengers in the operation of public motor bus transportation facilities in the City of Montgomery.

Costs are taxed against defendants.

The injunction granted by this judgment is suspended for a period of ten days from the date hereof, and in the event an appeal is taken from this judgement within such period, such injunction will be further suspended until an additional order can be entered suspending such injunction during the pendency of such appeal.

Judges Rives and Johnson concur in this judgement, Judge Lynne dissents therefrom except as to the order of suspension in which he concurs.

This the 19th. day of June, 1956.

United States Circuit Judge

United States District Judge

United States District Judge

Wikipedia information about **Browder v. Gayle**

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INTEGRATED BUS SUGGESTIONS

This is a historical week because segregation on buses has now been declared unconstitutional. Within a few days the Supreme Court Mandate will reach Montgomery and you will be re-boarding integrated buses. This places upon us all a tremendous responsibility of maintaining, in face of what could be some unpleasantness, a calm and loving dignity befitting good citizens and members of our Race. If there is violence in word or deed it must not be our people who commit it.

For your help and convenience the following suggestions made. Will you read, study and memorize them so that our non-violent determination may not be endangered. First, some general suggestions:

1. Not all white people are opposed to integrated buses. Accept goodwill on the part of many.
2. The whole bus is now for the use of all people. Take a vacant seat.
3. Pray for guidance and commit yourself to complete non-violence in word and action as you enter the bus.
4. Demonstrate the calm dignity of our Montgomery people in your actions.
5. In all things observe ordinary rules of courtesy and good behavior.
6. Remember that this is not a victory for negroes alone, but for all Montgomery and the South. Do not boast! Do not brag!
7. Be quiet but friendly; proud, but not arrogant; joyous, but not boisterous.
8. Be loving enough to absorb evil and understanding enough to turn an enemy into a friend.

Now for some specific suggestions:

1. The bus driver is in charge of the bus and has been instructed to obey the law. Assume that he will cooperate in helping you occupy any vacant seat.
 2. Do not deliberately sit by a white person, unless there is no other seat.
 3. In sitting down by a person, white or colored, say "May I" or Pardon me" as you sit. This is a common courtesy.
 4. If cursed, do not curse back. If pushed, do not push back. If struck, do not strike back, but evidence love and goodwill at all times.
 5. In case of an incident, talk as little as possible, and always in a quite tone. Do not get up from your seat! Report all serious incidents to the bus driver.
 6. For the first few days try to get on the bus with a friend in whose non-violence you have confidence. You can uphold one another by a glance or a prayer.
 7. If another person is being molested, do not arise to go to his defense, but pray for the oppressor and use moral and spiritual force to carry on the struggle for justice.
 8. According to your own ability and personality, do not be afraid to experiment with new and creative techniques for achieving reconciliation and social change.
 9. If you feel you cannot take it, walk for another week or two. We have confidence in our people.
- GOD BLESS YOU ALL.

THE MONTGOMERY IMPROVEMENT ASSOCIATION

THE REV. M.L. KING, JR., PRESIDENT

THE REV. W.J. POWELL, SECRETARY

Source: Inez Baskin Papers, Alabama Department of Archives and History, Montgomery, Alabama

"Stony the Road We Trod . . ."

Alabama's Role in the Modern Civil Rights Movement

Part Three - Landmark Supreme Court Cases

Dred Scott

Plessy v Ferguson

Brown v. Board

The Congressional Record and Brown

The Southern Manifesto

The Civil Rights Act of 1964



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Dred Scott case: the Supreme Court decision

There are two leading questions presented by the record:

- 1) Had the Circuit Court of the United States jurisdiction to hear and determine the case between these parties? And
- 2) If it had jurisdiction, is the judgment it has given erroneous or not?

The plaintiff [Dred Scott]... was, with his wife and children, held as slaves by the defendant [Sanford], in the State of Missouri; and he brought this action in the Circuit Court of the United States for [Missouri], to assert the title of himself and his family to freedom.

The declaration is . . . that he and the defendant are citizens of different States; that... he is a citizen of Missouri, and the defendant a citizen of New York.

The question is simply this: Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen? One of which rights is the privilege of suing in a court of the United States in the cases specified in the Constitution....

The words "people of the United States" and "citizens" are synonymous terms, and mean the same thing. They both describe the political body who ... form the sovereignty, and who hold the power and conduct the Government through their representatives.... The question before us is, whether the class of persons described in the plea in abatement [people of African ancestry] compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word "citizens" in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the Government might choose to grant them.

...

The court think the affirmative of these propositions cannot be maintained. And if it cannot, [Dred Scott] could not be a citizen of the State of Missouri, within the meaning of the Constitution of the United States, and, consequently, was not entitled to sue in its courts. It is true, every person, and every class and description of persons, who were at the time of the adoption of the Constitution recognized as citizens in the several States, became also citizens of this new political body; but none other; it was formed by them, and for them and their posterity,

but for no one else. And the personal rights and privileges guaranteed to citizens of this new sovereignty were intended to embrace those only who were then members of the several State communities, or who should afterwards by birthright or otherwise become members, according to the provisions of the Constitution and the principles on which it was founded....

...

It becomes necessary, therefore, to determine who were citizens of the several States when the Constitution was adopted....

... [T]he legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted....

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery. . . . He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.

And in no nation was this opinion more firmly fixed or more uniformly acted upon than by the English Government and English people. They not only seized them on the coast of Africa, and sold them or held them in slavery for their own use; but they took them as ordinary articles of merchandise to every country where they could make a profit on them, and were far more extensively engaged in this commerce than any other nation in the world.

The opinion thus entertained and acted upon in England was naturally impressed upon the colonies they founded on this side of the Atlantic. And, accordingly, a negro of the African race was regarded by them as an article of property, and held, and bought and sold as such, in every one of the thirteen colonies which united in the Declaration of Independence, and afterwards formed the Constitution of the United States. The slaves were more or less numerous in the different colonies, as slave labor was found more or less profitable. But no one seems to have doubted the correctness of the prevailing opinion of the time.

The legislation of the different colonies furnishes positive and indisputable proof of this fact....

The province of Maryland, in 1717, passed a law declaring "that if any free negro or mulatto intermarry with any white woman, or if any white man shall intermarry with any negro or mulatto woman, such negro or mulatto shall become a slave during life, excepting mulattoes born of white women, who, for such intermarriage, shall only become servants for seven years. . . ."

The other colonial law to which we refer was passed by Massachusetts in 1705. It is entitled "An act for the better preventing of a spurious and mixed issue," &c.; and it provides, that "if any negro or mulatto shall presume to smite or strike any person of the English or other Christian nation, such negro or mulatto shall be severely whipped.....

... [T]hese laws ... show, too plainly to be misunderstood, the degraded condition of this unhappy race. They were still in force when the Revolution began, and are a faithful index to the state of feeling towards the class of persons of whom they speak, and of the position they occupied throughout the thirteen colonies, in the eyes and thoughts of the men who framed the Declaration of Independence and established the State Constitutions and Governments. They show that a perpetual and impassable barrier was intended to be erected between the white race and the one which they had reduced to slavery, and governed as subjects with absolute and despotic power, and which they then looked upon as so far below them in the scale of created beings, that intermarriages between white persons and negroes or mulattoes were regarded as unnatural and immoral, and punished as crimes, not only in the parties, but in the person who joined them in marriage. And no distinction in this respect was made between the free negro or mulatto and the slave, but this stigma, of the deepest degradation, was fixed upon the whole race.

We refer to these historical facts for the purpose of showing the fixed opinions concerning that race, upon which the statesmen of that day spoke and acted ... in order to determine whether the general terms used in the Constitution of the United States, as to the rights of man and the rights of the people, was intended to include them, or to give to them or their posterity the benefit of any of its provisions.

The language of the Declaration of Independence is equally Conclusive: ...

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among them is life, liberty, and the pursuit of happiness; that to secure these rights, Governments are instituted, deriving their just powers from the consent of the governed.

The general words above quoted would seem to embrace the whole human family, and if they were used in a similar instrument at this day would be so understood. But it is too clear for dispute, that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration; for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted; and instead of the sympathy of mankind, to which they so confidently appeared, they would have deserved and received universal rebuke and reprobation.

Yet the men who framed this declaration were great men -- high in literary acquirements -- high in their sense of honor, and incapable of asserting principles inconsistent with those on which they were acting. They perfectly understood the meaning of the language they used, and how it would be understood by others; and they knew that it would not in any part of the civilized world be supposed to embrace the negro race, which, by common consent, had been excluded from civilized Governments and the family of nations, and doomed to slavery. They spoke and acted according to the then established doctrines and principles, and in the ordinary language of the day, no one misunderstood them. The unhappy black race were separate from white by indelible marks, and laws long before established, and were never thought of or spoken of except as property, and when the claims of the owner or the profit of the trader were supposed to need protection.

This state of public opinion had undergone no change when the Constitution was adopted, as is equally evident from its provisions and language....

...

[There] are two clauses in the Constitution which point directly and specifically to the negro race as a separate class of persons, and show clearly that they were not regarded as a portion of the people or citizens of the Government then formed.

One of these clauses reserves to each of the thirteen States the right to import slaves until the year 1808.... And by the other provision the States pledge themselves to each other to maintain the fight of property of the master, by delivering up to him any slave who may have escaped from his service, and be found within their respective territories.... And these two provisions show, conclusively, that neither the description of persons therein referred to, nor their descendants, were embraced in any of the other provisions of the Constitution; for certainly these two clauses were not intended to confer on them or their posterity the blessings of liberty, or any of the personal rights so carefully provided for the citizen.

No one of that race had ever migrated to the United States voluntarily; all of them had been brought here as articles of merchandise. The number that had been emancipated at that time were but few in comparison with those held in slavery; and they were identified in the public mind with the race to which they belonged, and regarded as a part of the slave population rather than the free. It is obvious that they were not even in the minds of the framers of the Constitution when they were conferring special rights and privileges upon the citizens of a State in every other part of the Union.

...

It would be impossible to enumerate ... the various laws, marking the condition of this race, which were passed from time to time after the Revolution, and before and since the adoption of the Constitution of the United States. In addition to those already referred to, it is sufficient to say, that Chancellor Kent, whose accuracy and research no one will question, states in ... his Commentaries ... that in no part of the country except Maine, did the African race, in point of fact, participate equally with the whites in the exercise of civil and political rights.

The legislation of the States therefore shows, in a manner not to be mistaken, the inferior and subject condition of that race at the time the Constitution was adopted, and long afterwards, . . . and it is hardly consistent with the respect due to these States, to suppose that they regarded at that time, as fellow-citizens and members of the sovereignty, a class of beings whom they had thus stigmatized; ... and upon whom they had impressed such deep and enduring marks of inferiority and degradation; or, that when they met in convention to form the Constitution, they looked upon them as a portion of their constituents, or designed to include them in the provisions so carefully inserted for the security and protection of the liberties and rights of their citizens. It cannot be supposed that they intended to secure to them rights, and privileges, and rank, in the new political body throughout the Union, which every one of them denied within the limits of its own dominion. More especially, it cannot be believed that the large slaveholding States regarded them as included in the word citizens, or would have consented to a Constitution which might compel them to receive them in that character from another State. For if they were so received, and entitled to the privileges and immunities of citizens, it would exempt them from the operation of the special laws and from the police regulations which they considered to be necessary for their own safety. It would give to persons of the negro race, who were recognized as citizens in any one State of the Union, the right to enter every other State whenever they pleased, singly or in companies, without pass or passport, and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation, unless they committed some violation of law for which a white man would be punished; and it would give them the full liberty of speech in public and in private upon all subjects upon which its own citizens might speak; to hold public meetings upon political affairs, and to keep and carry arms wherever they went. And all of this would be done in the face of the subject race of the same color, both free and slaves, and inevitably producing discontent and insubordination among them, and endangering the peace and safety of the State.

It is impossible, it would seem, to believe that the great men of the slaveholding States, who took so large a share in framing the Constitution of the United States, and exercised so much influence in procuring its adoption, could have been so forgetful or regardless of their own safety and the safety of those who trusted and confided in them....

To all this mass of proof we have still to add, that Congress has repeatedly legislated upon the same construction of the Constitution that we have given....

The first of these acts is the naturalization law ... [of] March 26, 1790, [which] confines the right of becoming citizens "to aliens being free white persons." . . .

Another of the early laws of which we have spoken, is the first militia law, which was passed in 1792, at the first session of the second Congress. The language of this law is equally plain and significant.... It directs that every "free able-bodied white male citizen" shall be enrolled in the militia. The word white is evidently used to exclude the African race, and the word citizen to exclude unnaturalized foreigners; the latter forming no part of the sovereignty, owing it no allegiance, and therefore under no obligation to defend it. The African race, however, born in the country, did owe allegiance to the Government, whether they were slave or free; but it is repudiated, and rejected from the duties and obligations of citizenship in marked language.

The third act to which we have alluded is even still more decisive; it was passed as late as 1813, (2 Stat., 809) and it provides: "That from and after the termination of the war in which the United States are now engaged with Great Britain, it shall not be lawful to employ, on board of any public or private vessels of the United States, any person or persons except citizens of the United States, *or* persons of color, natives of the United States."

Here the line of distinction is drawn in express words. Persons of color, in the judgment of Congress, were not included in the word *citizens*, and they are described as another and different class of persons, and authorized to be employed, if born in the United States....

The conduct of the Executive Department of the Government has been in perfect harmony upon this subject with this course of legislation. The question was brought officially before the late William Wirt, when he was the Attorney General of the United States, in 1821, and he decided that the words "citizens of the United States" were used in the acts of Congress in the same sense as in the Constitution; and that free persons of color were not citizens, within the meaning of the Constitution and laws; and this opinion has been confirmed by that of the late Attorney General, Caleb Cushing, in a recent case, and acted upon by the Secretary of State, who refused to grant passports to them as "citizens of the United States....

No one, we presume, supposes that any change in public opinion or feeling, in relation to this unfortunate race, in the civilized nations of Europe or in this country, should induce the court to give to the words of the Constitution a more liberal construction in their favor than they were intended to bear when the instrument was framed and adopted. Such an argument would be altogether inadmissible in any tribunal called on to interpret it. If any of its provisions are deemed unjust, there is a mode prescribed in the instrument itself by which it may be amended; but while it remains unaltered, it must be construed now as it was understood at the time of its adoption. It is not only the same in words, but the same in meaning, and delegates the same powers to the Government, and reserves and secures the same rights and privileges to the citizen; and as long as it continues to exist in its present form, it speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, and was voted on and adopted by the people of the United States. Any other rule of construction would abrogate the judicial character of this court, and make it the mere reflex of the popular opinion or passion of the day. This court was not created by the Constitution for such purposes. Higher and graver trusts have been confided to it, and it must not falter in the path of duty....

...

And upon a full and careful consideration of the subject, the court is of opinion, that.... Dred Scott was not a citizen of Missouri within the meaning of the Constitution of the United States, and not entitled as such to sue in its courts; and, consequently, that the Circuit Court had no jurisdiction of the case, and that the judgment on the plea in abatement is erroneous....

... [I]t appears affirmatively on the record that he is not a citizen, and consequently his suit against Sandford was not a suit between citizens of different States, and the court had no authority to pass any judgment between the parties. The suit ought, in this view of it, to have

been dismissed by the Circuit Court, and its judgment in favor of Sandford is erroneous, and must be reversed.

It is true that the result either way, by dismissal or by a judgment for the defendant, makes very little, if any, difference in a pecuniary or personal point of view to either party. But the fact that the result would be very nearly the same to the parties in either form of judgment, would not justify this court in sanctioning an error in the judgment which is patent on the record, and which, if sanctioned, might be drawn into precedent, and lead to serious mischief and injustice in some future suit.

We proceed, therefore, to inquire whether the facts relied on by the plaintiff entitled him to his freedom.

...

But there is another point in the case which depends on State power and State law. And it is contended, on the part of the plaintiff, that he is made free by being taken to Rock Island, in the State of Illinois, independently of his residence in the territory of the United States; and being so made free, he was not again reduced to a state of slavery by being brought back to Missouri.

Our notice of this part of the case will be very brief; for the principle on which it depends was decided in this court, upon much consideration, in the case of *Strader et al. v. Graham* [1850]. In that case, the slave had been taken from Kentucky to Ohio, with the consent of the owner, and afterwards brought back to Kentucky. And this court held that their status or condition, as free or slave, depended upon the laws of Kentucky, when they were brought back into that State, and not of Ohio; and that this court had no jurisdiction to revise the judgement of a State court upon its own laws. This was the point directly before the court, and the decision that this court had no jurisdiction turned upon it, as will be seen by the report of the case.

So in this case. As Scott was a slave when taken into the State of Illinois by his owner, and was there held as such, and brought back in that character, his status, as free or slave, depended on the laws of Missouri, and not of Illinois....

Upon the whole, therefore, it is the judgment of this court, that it appears by the record before us that the plaintiff in error is not a citizen of Missouri, in the sense in which that word is used in the Constitution; and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no judgment in it. Its judgment for the defendant must, consequently, be reversed, and a mandate issued, directing the suit to be dismissed for want of jurisdiction.

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From: *Dred Scott v. Sanford*

By: Finkelman

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Part 4: [Narrative](#) | [Resource Bank Contents](#) | [Teacher's Guide](#)

Africans in America: [Home](#) | [Resource Bank Index](#) | [Search](#) | [Shop](#)

Brown v. Board of Education

[\[Previous Topic\]](#) [\[Next Topic\]](#) [\[Up\]](#)

[\[Table of Contents\]](#) [\[Citation Guide\]](#) [\[Feedback\]](#) [\[Search\]](#) [\[Home\]](#) [\[Help!\]](#)

In the early 1950's, racial segregation in public schools was the norm across America. Although all the schools in a given district were supposed to be equal, most black schools were far inferior to their white counterparts.

In Topeka, Kansas, a black third-grader named Linda Brown had to walk one mile through a railroad switchyard to get to her black elementary school, even though a white elementary school was only seven blocks away. Linda's father, Oliver Brown, tried to enroll her in the white elementary school, but the principal of the school refused. Brown went to McKinley Burnett, the head of Topeka's branch of the National Association for the Advancement of Colored People (NAACP) and asked for help. The NAACP was eager to assist the Browns, as it had long wanted to challenge segregation in public schools. With Brown's complaint, it had "the right plaintiff at the right time." [4] Other black parents joined Brown, and, in 1951, the NAACP requested an injunction that would forbid the segregation of Topeka's public schools. [5]

The U.S. District Court for the District of Kansas heard Brown's case from June 25-26, 1951. At the trial, the NAACP argued that segregated schools sent the message to black children that they were inferior to whites; therefore, the schools were inherently unequal. One of the expert witnesses, Dr. Hugh W. Speer, testified that:

"...if the colored children are denied the experience in school of associating with white children, who represent 90 percent of our national society in which these colored children must live, then the colored child's curriculum is being greatly curtailed. The Topeka curriculum or any school curriculum cannot be equal under segregation." [6]

The Board of Education's defense was that, because segregation in Topeka and elsewhere pervaded many other aspects of life, segregated schools simply prepared black children for the segregation they would face during adulthood. The board also argued that segregated schools were not necessarily harmful to black children; great African Americans such as Frederick Douglass, Booker T. Washington, and George Washington Carver had overcome more than just segregated schools to achieve what they achieved. [7]

The request for an injunction put the court in a difficult decision. On the one hand, the judges agreed with the expert witnesses; in their decision, they wrote:

Segregation of white and colored children in public schools has a detrimental effect upon the colored children...A sense of inferiority affects the motivation of a child to learn. [8]

On the other hand, the precedent of *Plessy v. Ferguson* allowed separate but equal school systems for blacks and whites, and no Supreme Court ruling had overturned Plessy yet. Because of the precedent of *Plessy*, the court felt "compelled" to rule in favor of the Board of Education.

[9]

Brown and the NAACP appealed to the Supreme Court on October 1, 1951 and their case was combined with other cases that challenged school segregation in South Carolina, Virginia, and Delaware. The Supreme Court first heard the case on December 9, 1952, but failed to reach a decision. In the re-argument, heard from December 7-8, 1953, the Court requested that both sides discuss "the circumstances surrounding the adoption of the Fourteenth Amendment in 1868."

[10] The re-argument shed very little additional light on the issue. The Court had to make its decision based not on whether or not the authors of the Fourteenth Amendment had desegregated schools in mind when they wrote the amendment in 1868, but based on whether or not desegregated schools deprived black children of equal protection of the law when the case was decided, in 1954. [11]

On May 17, 1954, Chief Justice Earl Warren read the decision of the unanimous Court: "We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does...We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. [12]

The Supreme Court struck down the "separate but equal" doctrine of *Plessy* for public education, ruled in favor of the plaintiffs, and required the desegregation of schools across America.

The Supreme Court's *Brown v. Board of Education* decision did not abolish segregation in other public areas, such as restaurants and restrooms, nor did it require desegregation of public schools by a specific time. It did, however, declare the permissive or mandatory segregation that existed in 21 states unconstitutional. [13] It was a giant step towards complete desegregation of public schools. Even partial desegregation of these schools, however, was still very far away, as would soon become apparent.

[[Previous Topic](#)] [[Next Topic](#)] [[Up](#)]

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The Stony Road to Brown

Brown v. Board of Education (1949-1955)

Click on the words highlighted in **brown** for more information.

1949-1951 NAACP and local activists initiated **school desegregation cases** in the states of Delaware, Kansas, South Carolina, Virginia and the District of Columbia.

1950 McLaurin v. Oklahoma Board of Regents. U.S. Supreme Court ruling required the University of Oklahoma to end the practice of providing segregated facilities for those African-

American students it admitted.

1950 *Henderson v. United States*. U.S. Supreme Court ruled that if separate and equal facilities on interstate transportation did not exist, African Americans could not be kept from using the same facilities as whites.

1950 Korean War began. Integrated United States armed forces served in combat for the first time.

1950 *Sweatt v. Painter*. U.S. Supreme Court ruling required the University of Texas Law School to integrate on grounds that the state had failed to provide separate facilities that were equal.

1952 The five school desegregation cases were brought together before the U.S. Supreme Court as *Brown v. Board of Education*. The court failed to reach a decision and the case was resubmitted.

1953 The new chief justice, **Earl Warren**, was appointed to the U.S. Supreme Court. He was determined to reach a unanimous decision on *Brown*.

1954 May 17 - U.S. Supreme Court issued its first *Brown v. Board of Education* ruling (*Brown I*), declaring segregation in public schools unconstitutional.

1954 July - First White Citizens Council meeting held in Mississippi.

1955 U.S. Supreme Court issued the second *Brown v. Board of Education* ruling (*Brown II*). Desegregation was to proceed "with all deliberate speed."

Plessy v. Ferguson (1896)

Background Summary and Questions • • •

In 1890, Louisiana passed a statute called the "Separate Car Act", which stated "that all railway companies carrying passengers in their coaches in this state, shall provide equal but separate accommodations for the white, and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodations. . . . " The penalty for sitting in the wrong compartment was a fine of \$25 or 20 days in jail.

The Plessy case was carefully orchestrated by both the Citizens' Committee to Test the Constitutionality of the Separate Car Act, a group of blacks who raised \$3000 to challenge the Act, and the East Louisiana Railroad Company, which sought to terminate the Act largely for monetary reasons. They chose a 30-year-old shoemaker named Homer Plessy, a citizen of the United States who was one-eighth black and a resident of the state of Louisiana. On June 7, 1892, Plessy purchased a first-class passage from New Orleans to Covington, Louisiana and sat

in the railroad car designated for whites only. The railroad officials, following through on the arrangement, arrested Plessy and charged him with violating the Separate Car Act. Well known advocate for black rights Albion Tourgee, a white lawyer, agreed to argue the case without compensation.

In the criminal district court for the parish of Orleans, Plessy argued that the Separate Car Act violated the Thirteenth and Fourteenth Amendments to the Constitution.

Thirteenth Amendment

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Fourteenth Amendment

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

John Howard Ferguson was the judge presiding over Plessy's criminal case in the district court. He had previously declared the Separate Car Act "unconstitutional on trains that traveled through several states." However, in Plessy's case he decided that the state could choose to regulate railroad companies that operated solely within the state of Louisiana. Therefore, Ferguson found Plessy guilty and declared the Separate Car Act constitutional.

Plessy appealed the case to the Louisiana State Supreme Court, which affirmed the decision that the Louisiana law as constitutional. Plessy petitioned for a *writ of error* from the Supreme Court of the United States. Judge John Howard Ferguson was named in the case brought before the United States Supreme Court (*Plessy v. Ferguson*) because he had been named in the petition to the Louisiana Supreme Court and not because he was a party to the initial lawsuit.

Questions to Consider:

1. What law did Homer Plessy violate? How did Plessy violate this law?
2. What rights do the Thirteenth and Fourteenth Amendments to the Constitution provide?
3. If you were Plessy's lawyer, how would you justify your claim that the "Separate Car Act" violates the Thirteenth and Fourteenth amendments?
4. In *State of Louisiana v. Plessy*, Judge Ferguson decided that the state could choose to regulate railroad companies that operated within the state even though he had previously declared the "Separate Car Act" unconstitutional on trains that traveled through several states. If an act is declared unconstitutional in one case, shouldn't it be held unconstitutional

in all cases? How do you think Judge Ferguson could legally justify making this distinction?

5. Is it possible for two races to remain separated while striving for equality? Are separation and equality compatible? Why or why not?
6. Can you think of an example or situation where separation does not mean inequality?

Plessy v. Ferguson (1896)

Diagram of How the Case Moved Through the Court System Supreme Court of the United States

In 1890, Louisiana passed a law requiring "equal but separate accommodations for the white and colored races" In 1890, Louisiana passed a law requiring "equal Homer Plessy who was 1/8 black was chosen to test the law. Mr. Plessy purchased a first class ticket and proceeded to take a seat in the white first class rail car. He was arrested for violating the state law. The case was heard in lower court state courts that affirmed the decision of judge John Howard Ferguson . The case eventually made it to the U.S. Supreme Court.

The Court upheld the Louisiana State Supreme Court's decision and declared that the "Separate Car Act" was constitutional as long as there were separate but equal accommodations for both whites and blacks. It further stated that the legal distinction made by the Act did not in any way destroy the legal equality of the two races.

(As to the question Plessy raised in his petition to the Louisiana State Supreme Court about his not being black, the Supreme Court of the United States recognized that it may be an important question, but the question was not properly put in issue in this case.)

Plessy v. Ferguson (1896)

Plessy filed a petition for *writs of error and certiorari* to the Supreme Court of the United States, arguing that the "Separate Car Act" violated the Thirteenth and Fourteenth Amendments.

Louisiana State Supreme Court

Rejected Plessy's argument that Judge Ferguson's ruling should be overturned; the Court affirmed the constitutionality of the Separate Car Act and further stated Plessy refused to admit he was black.

Ex parte Plessy (1892)

Plessy petitioned the Louisiana Supreme Court not as an appeal of the district court decision but in a separate case on his behalf, for a *writ of prohibition* to stop Judge Ferguson from continuing the legal proceedings against him. Plessy argued that he was only one-eighth black, that the mixture of colored blood was not discernible in him, and thus that he should be afforded all the

rights and privileges of a white man.

Criminal District Court for the Parish of Orleans

Judge Ferguson of state district court found Plessy guilty of not leaving the car for whites when asked to; denied claim that Separate Car Act was unconstitutional because Louisiana could regulate its railroad companies however it saw fit as long as equal accommodations were provided. *State of Louisiana v. Plessy* (1892)

"The Southern Manifesto"

[From *Congressional Record*, 84th Congress Second Session. Vol. 102, part 4 (March 12, 1956). Washington, D.C.: Governmental Printing Office, 1956. 4459-4460.]

THE DECISION OF THE SUPREME COURT IN THE SCHOOL CASES _ DECLARATION OF CONSTITUTIONAL PRINCIPLES

Mr. [Walter F.] GEORGE. Mr. President, the increasing gravity of the situation following the decision of the Supreme Court in the so-called segregation cases, and the peculiar stress in sections of the country where this decision has created many difficulties, unknown and unappreciated, perhaps, by many people residing in other parts of the country, have led some Senators and some Members of the House of Representatives to prepare a statement of the position which they have felt and now feel to be imperative.

I now wish to present to the Senate a statement on behalf of 19 Senators, representing 11 States, and 77 House Members, representing a considerable number of States likewise. . . .

DECLARATION OF CONSTITUTIONAL PRINCIPLES

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law.

The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution with its provisions for change by amendment in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders.

We regard the decisions of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal Judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.

The original Constitution does not mention education. Neither does the 14th Amendment nor any other amendment. The debates preceding the submission of the 14th Amendment clearly show that there was no intent that it should affect the system of education maintained by the States.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted in 1868, there were 37 States of the Union. . . .

Every one of the 26 States that had any substantial racial differences among its people, either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same law-making body which considered the 14th Amendment.

As admitted by the Supreme Court in the public school case (*Brown v. Board of Education*), the doctrine of separate but equal schools "apparently originated in *Roberts v. City of Boston* (1849), upholding school segregation against attack as being violative of a State constitutional guarantee of equality." This constitutional doctrine began in the North, not in the South, and it was followed not only in Massachusetts, but in Connecticut, New York, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania and other northern states until they, exercising their rights as states through the constitutional processes of local self-government, changed their school systems.

In the case of *Plessy v. Ferguson* in 1896 the Supreme Court expressly declared that under the 14th Amendment no person was denied any of his rights if the States provided separate but equal facilities. This decision has been followed in many other cases. It is notable that the Supreme Court, speaking through Chief Justice Taft, a former President of the United States, unanimously declared in 1927 in *Lum v. Rice* that the "separate but equal" principle is "within the discretion of the State in regulating its public schools and does not conflict with the 14th Amendment."

This interpretation, restated time and again, became a part of the life of the people of many of the States and confirmed their habits, traditions, and way of life. It is founded on elemental humanity and commonsense, for parents should not be deprived by Government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the Court, contrary to the Constitution, is creating chaos and confusion in the States principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside mediators are threatening immediate and revolutionary changes in our public schools systems. If done, this is certain to destroy the system of public education in some of the States.

With the gravest concern for the explosive and dangerous condition created by this decision and

inflamed by outside meddlers:

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachment on the rights reserved to the States and to the people, contrary to established law, and to the Constitution.

We commend the motives of those States which have declared the intention to resist forced integration by any lawful means.

We appeal to the States and people who are not directly affected by these decisions to consider the constitutional principles involved against the time when they too, on issues vital to them may be the victims of judicial encroachment.

Even though we constitute a minority in the present Congress, we have full faith that a majority of the American people believe in the dual system of government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the States and of the people be made secure against judicial usurpation.

We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our States and to scrupulously refrain from disorder and lawless acts.

Signed by:

MEMBERS OF THE UNITED STATES SENATE

Walter F. George, Richard B. Russell, John Stennis, Sam J. Elvin, Jr., Strom Thurmond, Harry F. Byrd, A. Willis Robertson, John L. McClellan, Allen J. Ellender, Russell B. Long, Lister Hill, James O. Eastland, W. Kerr Scott, John Sparkman, Olin D. Johnston, Price Daniel, J.W. Fulbright, George A. Smathers, Spessard L. Holland.

MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Alabama: Frank W. Boykin, George M. Grant, George W. Andrews, Kenneth A. Roberts, Albert Rains, Armistead I. Selden, Jr., Carl Elliott, Robert E. Jones, George Huddleston, Jr.

Arkansas: E.C. Gathings, Wilbur D. Mills, James W. Trimble, Oren Harris, Brooks Hays, W.F. Norrell.

Florida: Charles E. Bennett, Robert L.F. Sikes, A.S. Herlong, Jr., Paul G. Rogers, James A. Haley, D.R. Matthews.

Georgia: Prince H. Preston, John L. Pilcher, E.L. Forrester, John James Flynt, Jr., James C. Davis, Carl Vinson, Henderson Lanham, Iris F. Blicht, Phil M. Landrum, Paul Brown.

Louisiana: F. Edward Hebert, Hale Boggs, Edwin E. Willis, Overton Brooks, Otto E. Passman, James H. Morrison, T. Ashton Thompson, George S. Long.

Mississippi: Thomas G. Abernathy, Jamie L. Whitten, Frank E. Smith, John Bell Williams, Arthur Winstead, William M. Colmer.

North Carolina: Herbert C. Bonner, L.H. Fountain, Graham A. Barden, Carl T. Durham, F. Ertel Carlyle, Hugh Q. Alexander, Woodrow W. Jones, George A. Shuford.

South Carolina: L. Mendel Rivers, John J. Riley, W.J. Bryan Dorn, Robert T. Ashmore, James P. Richards, John L. McMillan.

Tennessee: James B. Frazier, Jr., Tom Murray, Jere Cooper, Clifford Davis.

CIVIL RIGHTS ACT of 1964

Title II

Sec. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (b) which holds itself out as serving patrons of such covered establishment.

(c) The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof...

(e) The provisions of this title shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

Sec 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.

Sec. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202.

Source: U.S. Statutes at Large 78 (1964): 241.

"Stony the Road We Trod . . ."

Alabama's Role in the Modern Civil Rights Movement

Part Four

White Ministers Law and Order Statement, January 16,
1963

The White Ministers' Good Friday Statement, April 12,
1963

Letter From a Birmingham City Jail

Memorable Quotes

Birmingham Segregation Codes

Non-violent Pledge

Excerpts From the First Inaugural Address of Governor
George C. Wallace

The white Ministers' Law and Order Statement, January 16, 1963

An Appeal for Law and order and Common Sense

In these times of tremendous tensions, and changes in cherished patterns of life in our beloved Southland, it is essential that men who occupy places of responsibility and leadership shall speak concerning their honest convictions.

We the undersigned clergymen have been chosen to carry heavy responsibility in our religious groups. We speak in a spirit of humility, and only for ourselves. We do not pretend to know all the answers, for the issues are not simple. Nevertheless, we believe our people expect and deserve leadership from us, and we speak with firm conviction for we do know the ultimate spirit in which all problems of human relations must be solved.

It is clear that a series of court decisions will soon bring about desegregation of certain schools and colleges in Alabama. Many sincere people oppose this change and are deeply troubled by it. As southerners, we understand this. We nevertheless feel that defiance is neither the right answer nor the solution. And we feel that inflammatory and rebellious statements can lead only to violence, discord, confusion and disgrace for our beloved state.

We therefore affirm and commend to our people:

- 1. That hatred and violence have no sanction in our religious and political traditions.**
- 2. That there may be disagreement concerning laws and social change without advocating defiance, anarchy and subversion.**
- 3. That laws may be tested in courts or changed by legislatures, but not ignored by whims of individuals.**
- 4. That constitutions may be amended or judges impeached by proper action, but our American way of life depends upon obedience to the decisions of courts of competent jurisdiction in the meantime.**

- 5. That no person's freedom is safe unless every person's freedom is equally protected.**
- 6. That freedom of speech must at all costs be preserved and exercised without fear of recrimination or harassment.**
- 7. That every human being is created in the image of God and is entitled to respect as a fellow human being with all basic rights, privileges, and responsibilities which belong to humanity.**

We respectfully urge those who strongly oppose desegregation to pursue their convictions in the courts, and in the meantime peacefully to abide by the decisions of those same courts.

We recognize that our problems cannot be solved in our strength nor on the basis of human wisdom alone. The situation which confronts us calls for earnest prayer, for clear thought, for understanding love, and for courageous action. Thus we call on all people of goodwill to join us in seeking divine guidance as we make our appeal for law and order and common sense.

Signed by: Bishop Nolan B. Harmon, Bishop of North Alabama Conference of the Methodist Church; Bishop Paul Hardin, Bishop of the Alabama-West Florida Conference of the Methodist Church; C.C.J. Carpenter, D.D., LL, Bishop of Alabama; Joseph A. Durick, D.D., Auxiliary Bishop, Diocese of Mobile-Birmingham; Earl Stallings, Pastor, First Baptist Church, Birmingham, Alabama; George M. Murray, D.D., LL.D., Bishop Coadjutor, Episcopal Diocese of Alabama; Rabbi Milton Grafman, Temple Emanu-El, Birmingham, Alabama; Edward V. Ramage, D.D., Moderator, Synod of the Alabama Presbyterian Church in the United States; Rev. Soterios D. Gouvellis, Priest, Holy Trinity-Holy Cross Greek Orthodox Church; Rabbi Eugene Blackschleger, Temple Beth-Or, Montgomery, Alabama; J. T. Beale, Secretary-Director, Christian Churches of Alabama

The White Ministers' Good Friday Statement, April 12, 1963

We the undersigned clergymen are among those who, in January, issued "An appeal for Law and Order and Common Sense", in dealing with racial problems in Alabama. We expressed understanding that honest convictions in racial matters could properly be pursued in the courts, but urged that decisions of those courts should in the meantime be peacefully obeyed.

Since that time there had been some evidence of increased forbearance and a willingness to face facts. Responsible citizens have undertaken to work on various problems which cause racial friction and unrest. In Birmingham, recent public events have given indication that we all have opportunity for a new constructive and realistic approach to racial problems.

However, we are now confronted by a series of demonstrations by some of our negro citizens, directed and led in part by outsiders. We recognize the natural impatience of people who feel that their hopes are slow in being realized. But we are convinced that these demonstrations are unwise and untimely.

We agree rather with certain local negro leadership which has called for honest and open negotiation of racial issues in our area. And we believe this kind of facing of issues can best be accomplished by citizens of our metropolitan area, white and negro, meeting with their knowledge and experience of the local situation. All of us need to face that responsibility and find proper channels for its accomplishments.

Just as we formerly pointed out that "hatred and violence have no sanction in our religious and political traditions", we also point out that such actions incite to hatred and violence, however technically peaceful those actions may be, have not contributed to the resolution of our local problems. We do not believe that days of new hope are days when extreme measures are justified in Birmingham.

We commend the community as a whole, and the local news media and law enforcement officials in particular, on the calm manner in which these demonstrations have been handled, We urge the public to continue to show restraint should the demonstrations continue, and the law enforcement officials to remain calm and continue to

protect our city from violence.

We further strongly urge our own negro community to withdraw support from these demonstrations, and to unite locally in working peacefully for a better Birmingham. When rights are consistently denied, a cause should be pressed in the courts and in negotiations among local leaders, and not in the streets. We appeal to both white and negro citizenry to observe the principles of law and order and common sense. Signed by: Bishop Nolan B. Harmon, Bishop of North Alabama Conference of the Methodist Church; Bishop Paul Hardin, Bishop of the Alabama-West Florida Conference of the Methodist Church; C.C.J. Carpenter, D.D., LL, Bishop of Alabama; Joseph A. Durick, D.D., Auxiliary Bishop, Diocese of Mobile-Birmingham; Rabbi Milton Grafman, Temple Emanu-El, Birmingham, Alabama; George M. Murray, D.D., LL.D., Bishop Coadjutor, Episcopal Diocese of Alabama; Edward V. Ramage, D.D., Moderator, Synod of the Alabama Presbyterian Church in the United States; Earl Stallings, Pastor, First Baptist Church, Birmingham, Alabama;

Letter from a Birmingham Jail, Martin Luther King, Jr., 1963

Courtesy The King Center, Atlanta, Ga.

"LETTER FROM BIRMINGHAM JAIL"

April 16, 1963

Birmingham, Alabama

My Dear Fellow Clergymen:

While confined here in the Birmingham city jail, I came across your recent statement calling present activities "unwise and untimely." Seldom do I pause to answer criticism of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and that your criticisms are sincerely set forth, I want to try to answer your statement in what I hope will be patient and reasonable terms.

I think I should indicate why I am here in Birmingham, since you have been influenced by the view which argues against "outsiders coming in." I have the honor of serving as President of the Southern Christian Leadership Conference, an organization operating in every southern state, with headquarters in Atlanta, Georgia. We have some eighty-five affiliated organizations across the South, and one of them is the Alabama Christian Movement for Human Rights. Frequently we share staff, educational and financial resources with our affiliates. Several months ago the affiliate here in Birmingham asked us to be on call to engage in a nonviolent direct-action program if such were deemed necessary. We readily consented, and when the hour came we lived up to our promise. So I, along with several members of my staff, am here because I was invited here. I am here because I have organizational ties here.

But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco-Roman world, so am I compelled to carry the gospel of freedom beyond my own home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider anywhere within its bounds.

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails so express a similar concern for the conditions that brought about the demonstrations. I

am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self purification; and direct action. We have gone through all these steps in Birmingham. There can be no gain saying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known. Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good-faith negotiation.

Then, last September, came the opportunity to talk with leaders of Birmingham's economic community. In the course of the negotiations, certain promises were made by the merchants -- for example, to remove the stores' humiliating racial signs. On the basis of these promises, the Reverend Fred Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to a moratorium on all demonstrations. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained.

As in so many past experiences, our hopes had been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self-purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves: "Are you able to accept blows without retaliation?" "are you able to endure the ordeal of jail?" We decided to schedule our direct-action program for the Easter season, realizing that except for Christmas, this is the main shopping period of the year. Knowing that a strong economic withdrawal program would be the by-product of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change.

Then it occurred to us that Birmingham's mayoralty election was coming up in March, and we speedily decided to postpone action until after election day. When we discovered that the Commissioner of Public Safety, Eugene "Bill" Connor, had piled up enough votes to be in the run-off, we decided again to postpone action until the day after the run-off so that the demonstrations could not be used to cloud the issues. Like many others, we waited to see Mr. Connor defeated, and to this end we endured postponement after postponement. Having aided in this community need, we felt that our direct-action program could be delayed no longer.

You may well ask: "Why direct action? Why sit-ins, marches, and so forth? Isn't negotiation a better path?" You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a

community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent-resister may sound rather shocking. But I must confess that I am not afraid of the word "tension." I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and halftruths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood.

The purpose of our direct-action program is to create a situation so crisis-packed that it will inevitably open the door to negotiation. I therefore concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in a tragic effort to live in monologue rather than dialogue.

One of the basic points in your statement is that the action that I and my associates have taken in Birmingham is untimely. Some have asked: "Why didn't you give the new city administration time to act?" The only answer that I can give to this query is that the new Birmingham administration must be prodded about as much as the outgoing one, before it will act. We are sadly mistaken if we feel that the election of Albert Boutwell as mayor will bring the millennium to Birmingham. While Mr. Boutwell is a much more gentle person than Mr. Connor, they are both segregationists, dedicated to maintenance of the status quo. I have hoped that Mr. Boutwell will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from devotees of civil rights. My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor, it must be demanded by the oppressed. Frankly, I have yet to engage in a direct-action campaign that was "well timed" in view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."

We have waited for more than 340 years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse-and-buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick, and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old

daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five-year-old son who is asking, "Daddy, why do white people treat colored people so mean?"; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored" when your first name becomes "Nigger," your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness" then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all."

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of Harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. Segregation, to use the terminology of the Jewish philosopher Martin Buber, substitutes an "I-it" relationship for an "I-thou" relationship and ends up relegating persons to the status of things. Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and sinful. Paul Tillich has said that sin is separation. Is not segregation an existential expression of man's tragic separation, his awful estrangement, his terrible sinfulness? Thus is it that I can urge men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

Let us consider a more concrete example of just and unjust laws. An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. This is difference made legal. By the same token, a just law is a code that a majority

compels a minority to follow and that it is willing to follow itself. This is sameness made legal.

Let me give another explanation. A law is unjust if it is inflicted on a minority that, as a result of being denied the right to vote, had no part in enacting or devising the law. Who can say that the legislature of Alabama which set up that state's segregation laws was democratically elected? Throughout Alabama all sorts of devious methods are used to prevent Negroes from becoming registered voters, and there are some counties in which, even though Negroes constitute a majority of the population, not a single Negro is registered. Can any law enacted under such circumstances be considered democratically structured?

Sometimes a law is just on its face and unjust in its application. For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First-Amendment privilege of peaceful assembly and protest.

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach, and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. 'Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's anti-religious laws.

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Council or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says, "I agree with you in the goal you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a

mythical concept of time and who constantly advises the Negro the wait for a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light injustice must be exposed with all the tension its exposure creates, to the light of human conscience and the air of national opinion, before it can be cured.

In your statement you assert that our actions, even though peaceful, must be condemned because they precipitate violence. But is this a logical assertion? Isn't this like condemning a robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical inquiries precipitated the act by the misguided populace in which they made him drink hemlock? Isn't this like condemning Jesus because his unique God-consciousness and never-ceasing devotion to God's will precipitated the evil act of crucifixion? We must come to see that, as the federal courts have consistently affirmed, it is wrong to urge an individual to cease his efforts to gain his basic constitutional rights because the quest may precipitate violence. Society must protect the robbed and punish the robber.

I had also hoped that the white moderate would reject the myth concerning time in relations to the struggle for freedom. I have just received a letter from a white brother in Texas. He writes: "All Christians know that the colored people will receive equal rights eventually, but it is possible that you are in too great a religious hurry. It has taken Christianity almost two thousand years to accomplish what it has. The teachings of Christ take time to come to earth." Such an attitude stems from a tragic misconception of time, from the strangely irrational notion that there is something in the very flow of time will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more I feel that the people of ill will have used time much more effectively than have the people of good will. We will have to repent in the generation not merely for the hateful words and actions of the bad people, but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be co-workers with God, and without this hard work, time itself becomes an ally of the forces of stagnation. We must use time creatively, in the knowledge that the time is always ripe to do right. Now is the time to make real the promise of democracy and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

You speak of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergyman would see my nonviolent efforts as those of an extremist. I began thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency, made up in part of Negroes who, as a result of long years of oppression, are so drained of self-respect and a sense of "somebodiness" that they have adjusted to segregation; and in part of a few middle-class Negroes who, because of a degree of academic and economic security and because in some ways they profit by segregation, have become insensitive to the problems of the masses. The other force is one of bitterness and hatred, and it comes perilously closed on advocating violence. It is expressed in the various black nationalist groups that are springing up across the nation, the largest and best-known being Elijah Muhammad's Muslim movement. Nourished by the Negro's frustration over the continued existence of racial discrimination, this movement is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incorrigible "devil."

I have tried to stand between these two forces, saying that we need emulate neither the "do-nothingism" of the complacent nor the hatred and despair of the black nationalist. For there is the more excellent way of love and nonviolent protest. I am grateful to God that, through the influence of the Negro church, the way of nonviolence became an integral part of our struggle.

If this philosophy had not emerged, by now many streets of the South would, I am convinced, be flowing with blood. And I am further convinced that if our white brothers dismiss as "rabble-rousers" and "outside agitators" those of us who employ nonviolent direct action, and if they refuse to support our nonviolent efforts, millions of Negroes will, out of frustration and despair, seek solace and security in blacknationalist ideologies -- a development that would inevitably lead to a frightening racial nightmare.

Oppressed people cannot remain oppressed forever. The yearning for freedom eventually manifests itself, and that is what has happened to the American Negro. Something within has reminded him of his birthright of freedom, and something without has reminded him that it can be gained. Consciously or unconsciously, he has been caught up by the Zeitgeist, and with his black brothers of Africa and his brown and yellow brothers of Asia, South America, and the Caribbean, the United States Negro is moving with a sense of great urgency toward the promised land of racial justice. If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent-up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides -- and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history. So I have not said to my people, "Get rid of your discontent." Rather, I have tried to say that this normal and healthy discontent can be channeled into the creative outlet of nonviolent direct action. And now this approach is being termed extremist.

But though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus

and extremist for love: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you." Was not Amos an extremist for justice: "Let justice roll down like waters and righteousness like an ever-flowing stream." Was not Paul an extremist for the Christian gospel: "I bear in my body the marks of the Lord Jesus." Was not Martin Luther an extremist: "Here I stand; I cannot do otherwise, so help me God." And John Bunyan: "I will stay in jail to the end of my days before I make a butchery of my conscience." And Abraham Lincoln: "This nation cannot survive half slave and half free." And Thomas Jefferson: "We hold these truths to be self-evident, that all men are created equal . . ." So the question is not whether we will be extremists, but what kind of extremists we will be. Will we be extremists for hate or for love? Will we be extremists for the preservation of injustice or for the extension of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime -- the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jesus Christ, was an extremist for love, truth, and goodness, and thereby rose above his environment. Perhaps the South, the nation, and the world are in dire need of creative extremists.

I had hoped that the white moderate would see this need. Perhaps I was too optimistic; perhaps I expected too much. I suppose I should have realized that few members of the oppressor race can understand the deep groans and passionate yearnings of the oppressed race, and still fewer have the vision to see that injustice must be rooted out by strong, persistent, and determined action. I am thankful, however, that some of our white brothers in the South have grasped the meaning of this social revolution and committed themselves to it. They are still all too few in quantity, but they are big in quality. Some -- such as Ralph McGill, Lillian Smith, Harry Golden, James McBride Dabbs, Ann Braden, and Sarah Patton Boyle -- have written about our struggle in eloquent and prophetic terms. Others have marched with us down nameless streets of the South. They have languished in filthy, roach-infested jails, suffering the abuse and brutality of policemen who view them as "dirty nigger-lovers." Unlike so many of their moderate brothers and sisters, they have recognized the urgency of the moment and sensed the need for powerful "action" antidotes to combat the disease of segregation.

Let me take note of my other major disappointment. I have been so greatly disappointed with the white church and its leadership. Of course, there are some notable exceptions. I am not unmindful of the fact that each of you has taken some significant stands on this issue. I commend you, Reverend Stallings, for your Christian stand on this past Sunday, in welcoming Negroes to your worship service on a nonsegregated basis. I commend the Catholic leaders of this state for integrating Spring Hill College several years ago.

But despite these notable exceptions, I must honestly reiterate that I have been disappointed with the church. I do not say this as one of those negative critics who can always find something wrong with the church. I say this as a minister of the gospel, who loves the church; who was nurtured in its bosom; who has been sustained by its spiritual blessings and who will remain true to it as long as the cord of life shall lengthen.

When I was suddenly catapulted into the leadership of the bus protest in Montgomery, Alabama, a few years ago, I felt we would be supported by the white church. I felt that the ministers, priests, and rabbis of the South would be among our strongest allies. Instead, some have been

outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of stained-glass windows.

In spite of my shattered dreams, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause and, with deep moral concern, would serve as the channel through which our just grievances could reach the power structure. I had hoped that each of you would understand. But again I have been disappointed.

I have heard numerous southern religious leaders admonish their worshipers to comply with a desegregation decision because it is the law, but I have longed to hear white ministers declare: "Follow this decree because integration is morally right and because the Negro is your brother." In the midst of blatant injustices inflicted upon the Negro, I have watched white churchmen stand on the sideline and mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard many ministers say: "Those are social issues, with which the gospel has no real concern." And I have watched many churches commit themselves to a completely otherworldly religion which makes a strange, un-Biblical distinction between body and soul, between the sacred and the secular.

I have traveled the length and breadth of Alabama, Mississippi, and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at the South's beautiful churches with their lofty spires pointing heavenward. I have beheld the impressive outlines of her massive religious-education buildings. Over and over I have found myself asking: "What kind of people worship here? Who is their God? Where were their voices when the lips for Governor Barnett dripped with words of interposition and nullification? Where were they when Governor Wallace gave a clarion call for defiance and hatred? Where were their voices of support when bruised and weary Negro men and women decided to rise from the dark dungeons of complacency to the bright hills of creative protest?"

Yes, these questions are still in my mind. In deep disappointment I have wept over the laxity of the church. But be assured that my tears have been tears of love. Yes, I love the church. How could I do otherwise? I am in the rather unique position of being the son, the grandson, and the great-grandson of preachers. Yes, I see the church as the body of Christ. But, oh! How we have blemished and scarred that body through social neglect and through fear of being nonconformists.

There was a time when the church was very powerful -- in the time when the early Christians rejoiced at being deemed worthy to suffer for what they believed. In those days the church was not merely a thermometer that recorded the ideas and principles of popular opinion; it was a thermostat that transformed the mores of society. Whenever the early Christians entered a town, the people in power became disturbed and immediately sought to convict the Christians for being "disturbers of the peace" and "outside agitators." But the Christians pressed on, in the conviction that they were "a colony of heaven," called to obey God rather than man. Small in number, they were big in commitment. They were too God-intoxicated to be "astronomically intimidated." By their effort and example they brought an end to such ancient evils as infanticide and gladiatorial contests.

Things are different now. So often the contemporary church is a weak, ineffectual voice with an uncertain sound. So often it is an archdefender of the status quo. Far from being disturbed by the presence of the church, the power structure of the average community is consoled by the church's silent -- and often even vocal -- sanction of things as they are. But the judgment of God is upon the church as never before. If today's church does not recapture the sacrificial spirit of the early church, it will lose its authenticity, forfeit the loyalty of millions, and be dismissed as an irrelevant social club with no meaning for the twentieth century. Every day I meet young people whose disappointment with the church has turned into outright disgust.

Perhaps I have once again been too optimistic. Is organized religion too inextricably bound to the status quo to save our nation and the world? Perhaps I must turn my faith to the inner spiritual church, the church within the church, as the true ekklesia and the hope of the world. But again I am thankful to God that some noble souls from the ranks of organized religion have broken loose from the paralyzing chains of conformity and joined us as active partners in the struggle for freedom. They have left their secure congregations and walked the streets of Albany, Georgia, with us. They have gone down the highways of the South on tortuous rides for freedom. Yes, they have gone to jail with us. Some have been dismissed from their churches, have lost the support of their bishops and fellow ministers. But they have acted in the faith that right defeated is stronger than evil triumphant. Their witness has been the spiritual salt that has preserved the true meaning of the gospel in these troubled times. They have carved a tunnel of hope through the dark mountain of disappointment.

I hope the church as a whole will meet the challenge of this decisive hour. But even if the church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are at present misunderstood. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom. Abuse and scorned though we may be, our destiny is tied up with America's destiny. Before the pilgrims landed at Plymouth, we were here. For more than two centuries our forebears labored in this country without wages; they made cotton king; they built the homes of their masters while suffering gross injustice and shameful humiliation -- and yet out of bottomless vitality they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands.

Before closing I feel impelled to mention one other point in your statement that has troubled me profoundly. You warmly commended the Birmingham police force for keeping "order" and "preventing violence." I doubt that you would so quickly commend the policemen if you were to observe their ugly and inhumane treatment of Negroes here in the city jail; if you were to watch them push and curse old Negro women and young Negro girls; if you were to see them slap and kick Negro men and young boys; if you were to observe them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together. I cannot join you in your praise of the Birmingham police department.

It is true that the police have exercised a degree of discipline in handling the demonstrations. In

this sense they have conducted themselves rather "nonviolently" in public. But for what purpose? To preserve the evil system of segregation. Over the past few years I have consistently preached that nonviolence demands that the means we use must be as pure as the ends we seek. I have tried to make clear that it is wrong to use immoral means to attain moral ends. But now I must affirm that it is just as wrong, or perhaps even more so, to use moral means to preserve immoral ends. Perhaps Mr. Connor and his policemen have been rather nonviolent in public, as was Chief Pritchett in Albany, Georgia, but they have used the moral means of nonviolence to maintain the immoral end or racial injustice. As T.S. Eliot has said, "The last temptation is the greatest treason: To do the right deed for the wrong reason."

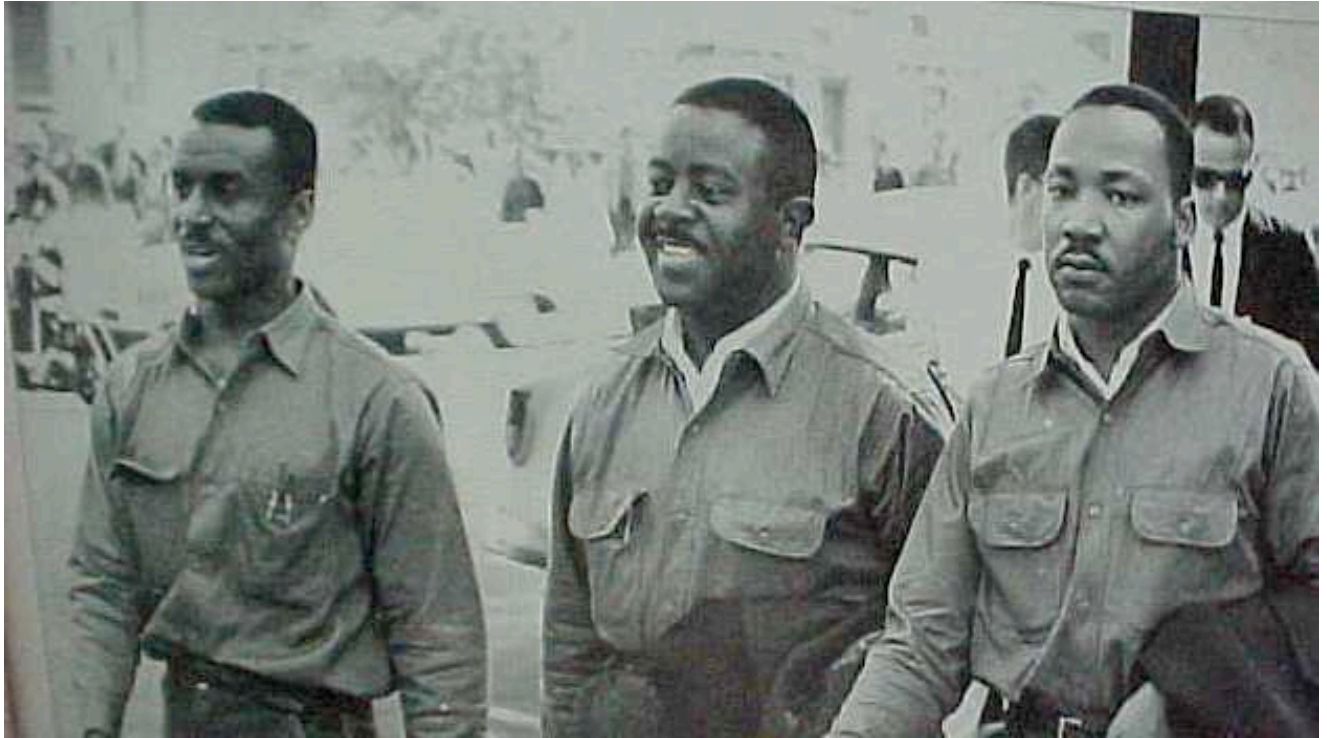
I wish you had commended the Negro sit-inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer, and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. They will be the James Merediths, with the noble sense of purpose that enables them to face jeering and hostile mobs, and with the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy-two-year-old woman in Montgomery, Alabama, who rose up with a sense of dignity and when her people decided not to ride segregated buses, and who responded with ungrammatical profundity to one who inquired about her weariness: "My feets is tired, but my soul is at rest." They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and nonviolently sitting in at lunch counters and willingly going to jail for conscience' sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judaeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.

Never before have I written so long a letter. I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else can one do when he is alone in a narrow jail cell, other than write long letters, think long thoughts, and pray long prayers?

If I have said anything in this letter that overstates the truth and indicates an unreasonable impatience, I beg you to forgive me. If I have said anything that understates the truth and indicates my having a patience that allows me to settle for anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil-rights leader but as a fellow clergyman and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities, and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood, Martin Luther King, Jr.



1963, Rev. Fred L. Shuttlesworth, Rev. Ralph Abernathy, and Dr Martin Luther King prepare to lead marchers to victory.

Birmingham Segregation Codes

Sec. 369. Separation of races.

It shall be unlawful to conduct a restaurant or other place for the serving of food in the city, at which white and colored people are served in the same room, unless such white and colored persons are effectually separated by a solid partition extending from the floor upward to a distance of seven feet or higher, and unless a separate entrance from the street is provided for each compartment. (1930, § 5288.) Repealed 63-65

Sec. 597. Negroes and white persons not to play together.

It shall be unlawful for a negro and a white person to play together or in company with each other in any game of cards or dice, dominoes or checkers.

Any person, who being the owner, proprietor or keeper or superintendent of any tavern, inn, restaurant or other public house or public place, or the clerk, servant or employee of such owner, proprietor, keeper or superintendent, knowingly permits a negro and a white person to play together or in company with each other at any game with cards, dice, dominoes or checkers, or any substitute or device for cards, dice, dominoes or checkers, in his house or on his premises shall, on conviction, be punished as provided in section 4. (1930, §§ 5066, 5067.) 798F 1031F 1044F Repealed

Sec. 859. Separation of Races.

- (a) It shall be unlawful for any person in charge or control of any room, hall, theatre, picture house, auditorium, yard, court, ball park, or public park, or other indoor or outdoor place, to which both white persons, and negroes are admitted, to cause, permit or allow therein or thereon any theatrical performance, picture exhibition, speech, or educational or entertainment program of any kind whatsoever, unless such room, hall, theatre, picture house, auditorium, yard, court, ball park, or other place, has entrances, exits and seating or standing sections set aside for and assigned to the use of white persons, and other entrances, exits and seating or standing sections set aside for and assigned to the use of negroes, and unless the entrances, exits and seating or standing sections set aside for and assigned to the use of white persons are distinctly separated from those set aside for and assigned to the use of negroes, by well defined physical barriers, and unless the members of each race are effectively restricted and confined to the sections set aside for and assigned to the use of such race.
- (b) It shall be unlawful for any member of one race to use or occupy any entrance, exit or seating or standing section set aside for and assigned to the use of members of the other race.
- (c) It shall be unlawful for any person to conduct, participate in or engage in any theatrical performance, picture exhibition, speech, or educational or entertainment program of any kind whatsoever, in any room hall theatre, picture house, auditorium, yard, court, ball park, public park, or other indoor or outdoor place, knowing that any provision of the two preceding subdivisions has not been complied with.
- (d) The chief of police and members of the police department shall have the right, and it shall be their duty, to disperse any gathering or assemblage in violation of this section, and to arrest any person guilty of violating the same. (1930, § 5516.) Repealed 63-15

Sec. 939. Separation of races.

It shall be unlawful for a negro and a white person to play together or in company with each other at any game of pool or billiards.

Any person who, being the owner, proprietor or in charge of any poolroom, pool table, billiard room or billiard table, knowingly permits a negro and a white person to play together or in company with each other at any game of pool or billiards on his premises shall, upon conviction, be punished as provided in section 4. (1930, §§ 5066, 5067.) Repealed 63-15

Sec. 1002. Separation of races.

Every common carrier engaged in operating streetcars in the city for the carriage of passengers shall provide equal but separate accommodations for the white and colored races by providing separate cars or by clearly indicating or designating by physical visible marks the area to be occupied by each race in any streetcar in which the two races are permitted to be carried together and by confining each race to occupancy of the area of such streetcar so set apart for it.

Every common carrier engaged in operating streetcars in the city for the carrying of passengers shall provide for each car used for white and colored passengers, separate entrances and exist to and from such cars in such manner as to prevent intermingling of the white and

colored passengers when entering or leaving such car, but this provision for separate entrances and exits shall not apply to the cars operated on the following lines: The South Highlands, Idlewild and Rugby Highland lines or routes.

It shall be unlawful for any such common carrier to operate or cause or allow to be operated, or for any servant, employee or agent of any such common carrier to aid in operating for the carriage of white and colored passengers, any streetcar not equipped as provided I this section. And it shall be unlawful for any person, contrary to the provisions of this section providing for equal and separate accommodations for the white and colored races on streetcars, to ride or attempt to ride in a car or a division of a car designated for the race to which such person does not belong.

Failure to comply with this section shall be deemed a misdemeanor.

(1930, § 5699.) Repealed 1486F

Sec. 1110. Toilet facilities—Male.

Every employer of white or negro males shall provide for such white or negro males reasonably accessible and separate toilet facilities in such number that there shall be available a separate water closet for each twenty- five or lesser number of white or negro males having access thereto during a single day. Such separate white and negro toilet facilities shall be clearly marked to distinguish each from the other and it shall be unlawful for any person to use any facility not designated for such person's comfort. (1930, §§ 5210, 5212.) Repealed

Sec. 1413. Separation of races. Repealed 1486F

Every owner or operator of any jitney, bus or taxicab in the city shall provide equal but separate accommodations for the white and colored races by providing separate vehicles or by clearly indicating or designating by visible markers the area to be occupied by each race in any vehicle in which the two races are permitted to be carried together and by confining each race to occupancy of the area of such vehicle so set apart for it.

It shall be unlawful for any person to operate or cause or allow to be operated or to aid in operating for the carriage of white and colored passengers any vehicle not equipped as provided in this section. And it shall be unlawful for any person, contrary to the provisions of this section providing for equal and separate accommodations for the white and colored races, to ride or attempt to ride in a vehicle or a division of a vehicle designated for the race to which such person does not belong.

Failure to comply with this section shall be deemed a misdemeanor.

See 1342F

Sec. 1604. Occupancy in "A-1" and "B-1" residence districts.

In "A-1" and b-1" residence districts, no building or part thereof shall be occupied or used by a person of the negro race; provided, however, that this section shall not be interpreted to prohibit any of the following:

(a) Use or occupancy by a negro servant, chauffeur or other employee, when the employer resides in the same building or in a building upon the same lot.

(b) Use or occupancy by any person, who, on August 4, 1926, was the owner of the used or occupied building or of the lot upon which such building may be erected, or who at said time shall have contracted to purchase the same by a valid and enforceable contract of purchase, or by his successor in title by will or descent.

(c) Use or occupancy by a member of the immediate family, or servant, lodger, boarder, lessee or tenant of any person described in paragraph (b) at any or all times during his concurrent ownership and residence of, in or on the building or lot.

(d) Use or occupancy during the period of the tenancy or lease by a life tenant, lessee for the term of years or other lessee of the used or occupied building or lot, such tenant or lessee being of the negro race, or by the successor in title of any such lessee by will or descent, in cases in which the tenancy or lease was created before August 4, 1926 and is unexpired and in force and effect.

(e) Use or occupancy by a person described in paragraph (d) during the period of an extension or renewal of any such lease, in cases in which the right of renewal or extension was created previous to, and was in force and effect on August 4, 1926.

(f) Use or occupancy by a member of the immediate family, or servant, lodger, boarder, lessee or tenant of any person described in paragraph (d) at any or all times at which both the tenancy, lease, renewal or extension described in paragraphs (d) and (e) shall be in full force and effect, and said person himself resides in or on the building or lot.

(g) Continuance, after August 4, 1926, of the residential use or occupancy of a building by persons of the negro race, in any case in which such building was used or occupied for residential purposes by persons of the negro race prior to August 4, 1926, or, if such building was vacant at said time, then in any case in which the last such use or occupancy previous to said time was by persons of the negro race. (Ord. 1101-C, § 9.)

Sec. 1605. Occupancy in "A-2" and "B-2" residence districts.

In "A-2" and "B-2" residence districts, no building or part thereof shall be occupied or used by a person of the white race; provided, however, that this section shall not be interpreted to prohibit any of the following:

(a) Use or occupancy by a white servant, chauffeur or other employee when the employer resides in the same building or in a building upon the same lot.

(b) Use or occupancy by any person who, on August 4, 1926, was the owner of the used or occupied building or of the lot upon which such building may be erected, or who at said time shall have contracted to purchase the same by a valid and enforceable contract of purchase, or by his successor in title by will or descent.

(c) Use or occupancy by a member of the immediate family, or servant, lodger, boarder, lessee or tenant of any person described in paragraph (b) at any times during his concurrent ownership and residence in or on the building or lot.

(d) Use or occupancy during the period of the tenancy or lease, by a life tenant, lessee for a term of years or other lessee of the used or occupied building or lot, such tenant or lessee being of the white race, or by the successor in title of any such lessee by will or descent, in cases in which the tenancy or lease was created before August 4, 1926 and was unexpired and in force and effect at said time.

(e) Use or occupancy by a person described in paragraph (d) during the period of an extension or renewal of any such lease, in cases in which the right of renewal or extension was created previous to and was in force and effect on August 4, 1926.

(f) Use or occupancy by a member of the immediate family, or servant, lodger, boarder, lessee or tenant of any person described in paragraph (d), at any or all times at which both the tenancy, lease, renewal or extension described in paragraphs (d) and (e) shall be in full force and effect, and said person himself resides in or on the building or lot.

(g) Continuance, after August 4, 1926, of the residential use or occupancy of a building by persons of the white race, in any case in which such building is used or occupied for residential purposes by persons of the white race or, if such building was vacant at said time, then in any case in which the last such use or occupancy previous to said time was by persons of the white race. (Ord. 1102-C, § 10.)



Alabama Christian Movement for Human Rights Pledge

I HEREBY PLEDGE MYSELF, MY PERSON AND MY BODY TO THE NONVIOLENT MOVEMENT. THEREFORE, I WILL KEEP THE FOLLOWING TEN COMMANDMENTS:

1. MEDITATE daily on the teachings and life of Jesus.
2. REMEMBER always that the nonviolent movement in Birmingham seeks justice and reconciliation - not victory.
3. WALK and TALK in the manner of love, for God is love.
4. PRAY daily to be used by God in order that all men might be free.
5. SACRIFICE personal wishes in order that all men might be free.
6. OBSERVE with both friend and foe the ordinary rules of courtesy.
7. SEEK to perform regular service for others and for the world.
8. REFRAIN from violence of fist, tongue, or heart.
9. STRIVE to be in good spiritual and bodily health.
10. FOLLOW the directions of the movement and the captain on a demonstration.

I sign this pledge, having seriously considered what I do and with the determination and will to persevere.

Name _____

Besides demonstrations, I could also help the Movement by: (Circle the proper items) Run errands, Drive my car, Fix food for volunteers, Clerical work, Make phone calls, Answer phones, Mimeograph, Type, Print Signs, Distribute leaflets.

Alabama Christian Movement for Human Rights
Birmingham
Affiliate of S. C. L. C. • F. L. Shuttlesworth, President

Excerpts from the first Inaugural Address of George Corley Wallace

Governor of the State of Alabama

Montgomery, January 14, 1963

This is the day of my Inauguration as governor of the State of Alabama. And on this day I feel a deep obligation to renew my pledges, my covenants with you. . .the people of this great state.

General Robert E. Lee said that "duty" is the sublime word in the English language and I have come, increasingly, to realize what he meant. I SHALL do my duty to you, God helping. . . to every man, to every woman. . .yes, and to every child in this State. I shall fulfill my duty toward honesty and economy in our State government so that no man shall have a part of his livelihood cheated and no child shall have a bit of his future stolen away. . .

I want to assure every child that this State government is not afraid to invest in their future through education, so that they will not be handicapped on the very threshold of their lives.

Today I have stood, where once Jefferson Davis stood, and took an oath to my people. It is very appropriate then that from this Cradle of the confederacy, this very Heart of the Great Anglo-Saxon Southland, that today we sound the drum for freedom as have our generations of forebears before us done, time and again down through history. Let us rise to the call of freedom-loving blood that is in us and send our answer to the tyranny that clanks its chains upon the South. In the name of the greatest people that have ever trod this earth, I draw the line in the dust and toss the gauntlet before the feet of tyranny. . .and I say. . .segregation now. . .segregation tomorrow. . .segregation forever. . .

What I have said about segregation goes double this day. . .and what I have said to or about some federal judges goes TRIPLE this day. . .

We intend, quite simply, to practice the free heritage as bequeathed to us as sons of free fathers. We intend to re-vitalize the truly new and progressive form of government that is less than two hundred years old. . . a government first founded in this nation simply and purely on faith. . .that there is a personal God who rewards good and punishes evil. . .that hard work will receive its just desserts. . .that ambition and ingenuity and inventiveness. . .and profit of such. . .are admirable traits and goals. . .that the individual is encouraged in his spiritual growth and

from that growth arrives at a character that enhances his charity toward others and from that character and that charity so is influenced business, and labor and farmer and government. We intend to renew our faith as God-fearing men. . .not government-fearing men nor any other kind of fearing-men. We intend to roll up our sleeves and pitch in to develop this full bounty God has given us. . .to live full and useful lives and in absolute freedom from all fear. Then can we enjoy the full richness of the Great American Dream. . .

In united effort we were meant to live under this government. . .whether Baptist, Methodist, Presbyterian, Church of Christ, or whatever one's denomination or religious belief. . .each respecting the others right to a separate denomination. . .each, by working to develop his own, enriching the total of all our lives through united effort. And so it was meant in our political lives. . .whether Republican, Democrat, Prohibition, or whatever political party. . .each striving from his separate political station. . .respecting the rights of others to be separate and work from within their political framework. . .and each separate political station making its contribution to our lives. . .

And so it was meant in our racial lives. . .each race, within its own framework has the freedom to teach. . .to instruct. . .to develop. . .to ask for and receive deserved help from others of separate racial stations. This is the great freedom of our American founding fathers. . .but if we amalgamate into the one unit as advocated by the communist philosophers. . .then the enrichment of our lives. . .the freedom for our development. . .is gone forever. We become, therefore, a mongrel unit of one under a single all-powerful government. . .and we stand for everything. . .and for nothing.

The true brotherhood of America, of respecting the separateness of others. . .and uniting in effort. . .has been so twisted and distorted from its original concept that there is small wonder that communism is winning the world.

We invite the Negro citizens of Alabama to work with us from his separate racial station. . .as we will work with him. . .to develop, to grow in individual freedom and enrichment. We want jobs and a good future for BOTH our races. We want to help the physically and mentally sick of BOTH races. . .the tubercular and the infirm. This is the basic heritage of my religion, of which I make full practice. . .for we are all the handiwork of God.

But we warn those, of any group, who would follow the false doctrine of communistic amalgamation that we will not surrender our system of government. . .our freedom of race and

religion. . .that freedom was won at a hard price and if it requires a hard price to retain it. ..we are able. . . and quite will to pay it.

The liberals' theory that poverty, discrimination and lack of opportunity is the cause of communism is a false theory. . .if it were true the South would have been the biggest single communist bloc in the western hemisphere long ago. . .for after great War Between the States, our people faced a desolate land of burned universities, destroyed crops and homes, with manpower depleted and crippled, and even the mule, which was required to work the land, was so scarce that whole communities shared one animal to make the spring plowing. There were no government hand-outs, no Marshall Plan aid, no coddling to make sure that our people would not suffer; instead the South was set upon by the vulturous carpetbagger and federal troops, all loyal Southerners were denied the vote at the point of bayonet, so that the infamous, illegal 14th Amendment might be passed. There was no money, no food and no hope of either. But our grandfathers bent their knee only in church and bowed their head only to God. . .

We remind all within hearing of this Southland that a Southerner, Peyton Randolph, presided over the Continental Congress in our nation's beginning. . .that a Southerner, Thomas Jefferson, wrote the Declaration of Independence, that a Southerner, George Washington, is the Father of our Country. . .that a Southerner, James Madison, authored our Constitution, that a Southerner, George Mason, authored the Bill of Rights and it was a Southerner who said, "Give me Liberty. or give me death," Patrick Henry.

Southerners play a most magnificent part in erecting this great divinely inspired system of freedom. . .and as God is our witness, Southerners will save it.

Let us, as Alabamians, grasp the hand of destiny and walk out of the shadow of fear. . .and fill our divine destination. Let us not simply defend. . .but let us assume the leadership of the fight and carry our leadership across this nation. God has placed us here in this crisis. . .let us not fail in this. . .our most historical moment. . .

And my prayer is that the Father who reigns above us will bless all the people of this great sovereign State and nation, both white and black. I thank you.



Governor Wallace touring the site of a bombing in Birmingham.